

CITY OF FOLLY BEACH

Tim Goodwin, Mayor



Folly Beach, SC 29439

www.cityoffollybeach.com

(P) 843-588-2447

(F) 843-588-7016

**Eddie Ellis, Mayor Pro Tem
William Farley, Council Member
Laurie Hull, Council Member**

**Teresa Marshall, Council Member
Amy Ray, Council Member
D.J. Rich, Council Member**

City Council Meeting Tuesday February 11th, 2020 WORK SESSION 6:00 P.M. REGULAR MEETING 7:00 P.M.

**Folly Beach City Hall
21 Center Street
Folly Beach, SC 29439**

Work Session Agenda 6:00PM

- a. Auditor Presentation**
- b. Revision to 50% Improvement Rule for Zoning Only**
- c. Horse Ordinance**

Regular Meeting Agenda 7:00PM

- 1. CALL TO ORDER/ROLL CALL**
- 2. INVOCATION & PLEDGE OF ALLEGIANCE**
- 3. MAYOR'S COMMENTS**
- 4. STAFF REPORTS**
 - a. Lee Gessner: Auditor Presentation for previous Fiscal Year**
- 5. APPROVAL OF AGENDA**

6. APPROVAL OF PREVIOUS MINUTES OF JANUARY 14th

7. PERSONAL APPEARANCES (Limited to Five Minutes)

- a.** Kelly Travers, Events on the Edge; Requesting Permission for a Fun Run on Saturday April 25th at 9:00am from 3rd Block West to the access in front of Rita's.
- b.** Nancy Hussey, Surfers Healing; Requesting Permission for the following events:
 - i.** Longboard Classic on Saturday July 18th, 2020 from 7:00am-4:00pm at the Washout (1531 E. Ashley Ave).
 - ii.** Surfers Healing Meet and Greet on Wednesday August 19th, 2020 from 4:00pm-8:00pm at the Folly River Park.
 - iii.** Surfers Healing on Thursday August 20th, 2020 from 6:00am-4:30pm on the beachfront in front of the Tides.
- c.** Marshall DePass, ESA; Requesting permission for the 2020 Surf Season Contest schedule for the Eastern Surfing Association.
- d.** Eric Lutz, Building Official; Requesting Permission for Weekend Work for the Folly River Dock.
- e.** Commercial Activities Presentations (2 Minutes Each)
 - i.** Kyle Busey, Carolina Salt Surf
 - ii.** Erin Jones, Waves 4 Women
 - iii.** Melora Morgan, Serenity Tree Yoga
 - iv.** Kristen Golder, Oceananda Yoga
 - v.** Charles Hagler Jr., Folly Beach Yoga and Adventure
 - vi.** Traci Lynn, Sunset Yoga
- f.** Kelly Russ, Folly Beach Association of Business: Requesting approval for the updated Sea and Sand Festival for Saturday March 21st, 2020 from 10:00am-4:00pm with a rain date of Saturday March 28th, 2020.

8. CITIZENS' COMMENTS (Limited to Three Minutes)

9. COMMISSION, BOARD, COMMITTEE REPORTS

10. OLD BUSINESS

11. NEW BUSINESS

- a. Ordinance 01-20:** An Ordinance to Provide for the Issuance and Sale of not Exceeding Two Million Seven Hundred Thousand Dollars Aggregate Principal Amount (\$2,700,000) of General Obligation Bonds of the City of Folly Beach, South Carolina; to Provide for the Issuance and Sale of General Obligation Bond Anticipation Notes in Anticipation of the Issuance of Said Bonds; to Prescribe the Purposes to Which the Proceeds of Such Borrowing Shall be Applied; to Provide for the Payment Thereof; and Other Matters Relating Thereto. **(FIRST READING)**

- b. Ordinance 02-20:** An Ordinance Amending Chapter 95 (Animals) Sections 95.02 (Keeping Certain Animals Prohibited; Exceptions) and 95.06 (Riding Horses) to Clarify that Horses may not be Ridden Within City Limits. **(FIRST READING)**
- c. Resolution 08-20:** A Resolution by the Folly Beach City Council Adopting the City of Folly Beach 2020 Revision to the Five-Year Strategic Plan.

12.CITY 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.



Work Session Back Up



City of Folly Beach

21 Center Street
Folly Beach, SC 29439

Topic: Revision to 50% Improvement Rule for Zoning Only
Date: February 5th. 2020

Mayor/Council,

The City of Folly Beach currently applies the 50% rule to nonconforming uses (duplexes in a single family zone for example) and noncompliant buildings (buildings that don't meet flood code). These types of regulations are standard in almost all communities and are found in most zoning and flood code ordinances in South Carolina. However, we are also the only municipality in SC that applies the 50% rule as a standalone regulation for buildings that are nonconforming in terms of zoning dimensional standards (setbacks, lot coverage, height). This means that on Folly Beach you can have a building that meets flood code and is an allowable use, but still be limited to a 50% improvement if it doesn't meet the most recent dimensional standards.

The standalone 50% rule for dimensional standards was enacted in 2014. The original purpose of the ordinance was to make properties comply with the dimensional standards *at the same time* they came into compliance with the flood codes. This has only happened once in six years. Instead of achieving two goals at once, the ordinance actually created a burdensome new set of rules that has captured far more properties than intended. We are now forced to maintain substantial improvements records for roughly 60 percent of the properties on the island. For staff, this means that even minor permits for improvements have to be held up for review to make sure the property meets dimensional standards and a running file maintained for 10 years. For homeowners, this means that even small jobs that don't change footprints require an appraisal, a survey, and sworn statements. Furthermore, the dimensional standards are a moving target. Setbacks, lot coverage, height limits, square footage limits have all changed since this ordinance was passed and can change again at any time. Any homeowner who chooses to move forward with a 50% improvement to meet the current rules can find themselves non conforming again multiple times as each new zoning amendment is passed. This basically freezes the ability to improve the property. It is clear the ordinance is not functioning the way it was imagined and should be repealed.

Repealing this ordinance will NOT:

1. Change the rules for properties that don't meet flood code.
2. Change the rules that prohibit rebuilding/substantially damaged buildings that don't meet dimensional standards.
3. Change the rules for eliminating non conforming uses.

4. Change the rules that prohibit the expansion of a non conforming footprint.

Repealing this ordinance WILL:

1. Allow homeowners to do interior improvements that don't change the footprint of their home.
2. Remove extra layers of appraisal and surveying from minor permits.
3. Free up staff resources from substantial improvement tracking on structures that are allowable uses and meet the flood code.

Aaron Pope, AICP
Deputy Administrator/Zoning Administrator
City of Folly Beach
843-276-5568
apope@cityoffollybeach.com



CITY OF FOLLY BEACH

1st Reading: February 11th, 2020

2nd Reading:

Introduced by: Mayor Goodwin

Date: February 11th, 2020

ORDINANCE 02-20

AN ORDINANCE AMENDING CHAPTER 95 (ANIMALS) SECTIONS 95.02 (KEEPING CERTAIN ANIMALS PROHIBITED; EXCEPTIONS) AND 95.06 (RIDING HORSES) TO CLARIFY THAT HORSES MAY NOT BE RIDDEN WITHIN CITY LIMITS.

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

SECTION 95.02 KEEPING CERTAIN ANIMALS PROHIBITED; EXCEPTIONS.

(A) It shall be unlawful for any person to keep ~~or use~~ within the city limits any horse, mule, cow, genet, swine, domestic fowl, goat or cattle of any description, except as provided for in division (B) below.

(95 Code, § 6-3-2)

(B) (1) Any resident or property owner who keeps an animal or animals described in division (A) above on the effective date of this chapter shall be notified by a registered letter of the provisions of this chapter, and the property owner shall be given a period of 60 days to remove the animal or animals so as to comply with the provisions of division (A) above. Failure to comply with the provisions of division (A) above within 60 days from the receipt of the notice shall constitute a violation of this chapter, and each day thereafter shall constitute a separate offense. Any person who on the effective date of this chapter is in violation of the chapter may apply to the City Council for permission to keep the animal or animals.

(2) (a) The application to City Council shall include information as to the facilities for the proper and humane care and treatment of animal or animals, type or shelter provided for the animal or animals, and method for maintaining the area in a sanitary manner so as to remove health hazards.

(b) Council shall judge each separate application, provided, however, that the stable area or primary living area of the animal or animals is not within 105 feet of any building owned or occupied by persons other than the owner of the animal or animals.

(c) The permit may, at any time, be revoked by Council, upon 30 days notice, if the Council determines, after providing the owner an opportunity for a hearing, that the conditions on which the permit was issued has been violated.

(3) It is the purpose of this section that none of the animals described in division (A) above shall be henceforth brought into the city or kept or maintained within the city, except as provided in this section.

(4) It is the further intent of the City Council that any existing use of land for the purpose of keeping the animals within city limits shall be discontinued upon their death.

(`95 Code, § 6-3-3) (Ord. 89-2, passed 11-17-89; Am. Ord. 07-99, passed 2-16-99) Penalty, see § 10.99

SECTION 95.03 MANNER OF KEEPING AND MAINTAINING ANIMALS.

All animals shall be kept and maintained in a manner as to not injure, interfere with or disturb the property, peace, comfort, health, safety or general welfare of any person within the city. No animal shall be kept confined or tied by rope, chain or wire that is less than 12 feet in length and must allow pet access to shelter, food and water without becoming entangled.

(`95 Code, § 6-3-4) (Ord. 89-2, passed 11-17-89; Am. Ord. 07-99, passed 2-16-99) Penalty, see § 10.99

Cross-reference:

Protection of loggerhead sea turtles, see §§ 151.45 through 151.49

SECTION 95.04 CRUELTY PROHIBITED.

(A) It shall be unlawful for a person to override, overdrive, overload, torture, torment, deprive of necessary sustenance or shelter, cruelly beat, mutilate or cruelly kill an animal or cause, procure or allow the same to be done, or cause, encourage or allow any animal to attack, fight or harm an animal.

(B) Any person, intentionally, knowingly or recklessly, who leaves an animal unattended and confined in a vehicle whereby physical injury or death of said animal is likely to result shall be guilty of a violation of this chapter.

(`95 Code, § 6-3-5) (Ord. 89-2, passed 11-17-89; Am. Ord. 07-99, passed 2-16-99; Am. Ord. 14-03, passed 7-29-03) Penalty, see § 10.99

SECTION 95.05 BIRD SANCTUARY.

(A) Certain territory embraced within the city or the police jurisdiction thereof, is hereby declared to be a bird sanctuary.

(B) It shall be unlawful to kill, maim or injure any wild or migratory bird or to destroy or to rob or molest eggs or nests in breeding places of any birds.

(`95 Code, § 6-3-6) (Ord. 89-2, passed 11-17-89; Am. Ord. 07-99, passed 2-16-99) Penalty, see § 10.99

SECTION 95.06 RIDING HORSES.

~~—It shall be unlawful for any person to ride, or the owner to permit to be ridden, horses in the city in the night time. It shall be unlawful for any person to ride, or the owner to~~

~~permit to be ridden, a saddle horse on the front beach between April 1 and October 1 or on Center Street at any time.~~

ADOPTED this _____ day of _____, 2020, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor



Regular Meeting Back Up

From: rhall@cityoffollybeach.com
To: [Colleen Jolley](#)
Subject: New submission from Registration Form
Date: Tuesday, February 4, 2020 11:43:04 AM

Which best describes your event? Select all that apply.

- Other events on the beach (sporting events, fund raisers, etc)

Main Contact

Kelly Travers

Organization (if applicable)

Events on the Edge

Address

PO Box 780
Folly Beach, South Carolina 29439
United States
[Map It](#)

Cell Phone

(843) 814-2155

Email

Follybeachweddings@gmail.com

Alternate Contact

Erin Guthrie - Rita's

Alternate Contact Cell Phone

(843) 452-1793

Location on the Beach or Nearest Walkover

3rd Block West to Pier

Estimated Number of Attendees

50

Start Date

04/25/2020

End Date


04/25/2020

Event Name

Super Levi's Fun Run

Purpose of Event

Raise money for Pet Helpers

Beginning Time (including setup)
09:00 am
End Time (including breakdown)
10:00 am
Description of Event
The event would be composed of a short fun run on the beach from 3rd block west to the beach entrance by Ritas (the pier parking lot) beginning at 9am on 4/25. The event would be made up of people and their pets dressed as super hero's. The event will lead participants off the beach and over to Ritas for a fundraising brunch and prize ceremony.
Please describe how your event meets the criteria in Section (B)(1)
Everyone loves their pets and supports the adoption of animals! So this fundraising event for Pet Helpers will enhance the city's image but supporting a local charity close to the hearts of so many. Residents will love the chance to do an organized, dressed up, short fun run with their pet on the beach! The event on the beach should not last more than a half hour and then all of the participants will be patronizing not only Ritas but other businesses in town!
Will inflatables, trampolines, mechanical rides, amusement rides, petting zoos or animals be at the event?
No
Do you plan to serve (at no charge) alcoholic beverages at the event?
No
Do you plan to sell alcoholic beverages of any kind during the event?
No
By signing, you agree that you have read and will comply with the rules above and will be available at the phone number listed. You are responsible for complying with all city rules and ordinances.
<div style="border: 1px solid black; width: 125px; height: 90px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">  </div>

From: rhall@cityoffollybeach.com
To: [Colleen Jolley](#)
Subject: New submission from City of Folly Beach Event Form
Date: Monday, January 13, 2020 2:35:28 PM

Which best describes your event? Select all that apply.

- Other events on the beach (sporting events, fund raisers, etc)

Main Contact

Nancy Hussey

Organization (if applicable)

Surfers Healing Folly

Address

487 Planters Trace Drive
Charleston, South Carolina 29412
United States
[Map It](#)

Phone

(843) 343-4047

Cell Phone (must be available during business hours)

(843) 343-4047

Email

admin@surfershealingfolly.org

Alternate Contact

Patti Dawson

Alternate Contact Phone

(843) 737-3065

Start Date

07/18/2020

End Date

07/19/2020

Beginning Time (including setup)

07:00 am

End Time (including breakdown)

04:00 pm

Requested Location

The contest boardwalk at the Washout on Folly Beach. 1531 East Ashley Avenue

United States

[Map It](#)

Event Name

2020 Surfers Healing Longboard Classic

Purpose of Event

5th Anniversary Longboard Competition supporting Surfers Healing Folly Beach

Description of Event

This is the 5th Annual Surfers Healing Longboard Classic, a longboard competition with the goal of bringing together surfers and volunteers who will be helping with Surfers Healing in August. This is a family friendly event, with no alcohol allowed. We'll have divisions for kids, wahines, guys, open, and a Vintage longboard division. This event will be coordinated by experienced surf competition directors and volunteers.

Estimated Number of Attendees

200

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

The 5th Annual 2020 Surfers Healing Longboard Classic is a family friendly surf competition held to bring together surfers and volunteers who will be helping with Surfers Healing in August, and to hopefully welcome more volunteers to the fold.

We'll have locally made tshirts, awards, and serve lunch from Folly Beach restaurants.

We gather at a Folly restaurant after our awards and clean up, to celebrate, thereby benefiting the city financially.

Our event has become popular because of it's low key friendly manner, Folly Beach vibe and has attracted surfers from other East Coast beaches.

Do you plan to serve (at no charge) alcoholic beverages at the event?

No

Do you plan to sell alcoholic beverages of any kind during the event?

No

From: rhall@cityoffollybeach.com
To: [Colleen Jolley](#)
Subject: New submission from City of Folly Beach Event Form
Date: Monday, January 13, 2020 1:38:32 PM

Which best describes your event? Select all that apply.

- Event at Folly River Park

Main Contact

Nancy Hussey

Organization (if applicable)

Surfers Healing Folly

Address

487 Planters Trace Drive
Charleston, South Carolina 29412
United States
[Map It](#)

Phone

(841) 343-4047

Cell Phone (must be available during business hours)

(843) 343-4047

Email

admin@surfershealingfolly.org

Date of Event

08/19/2020

Beginning Time (including setup)

04:00 pm

End Time (including breakdown)

08:00 pm

Event Name

Surfers Healing Folly Meet and Greet

Purpose of Event

Pre Surfers Healing gathering for families & volunteers

Description of Event

Come out and meet Izzy Paskowitz & the Surfers Healing Instructors, volunteers, sponsors & friends at the Surfers Healing Meet & Greet at the Folly River Park from 4-8pm on Wed., Aug. 19, 2020. Free cookout, facepainting, shell painting, hair braids, low key music and more family activities.. No vendors, only giveaways!

This is an annual event held the day before Surfers Healing.
See your old friends and make some new. This is a great way for the kids to meet the instructors and volunteers who'll be making sure a great time is had by all at Surfers Healing on Folly.

Estimated Number of Attendees

200

Do you plan to serve (at no charge) alcoholic beverages at the event?

Yes

Do you plan to sell alcoholic beverages of any kind during the event?

No

Please describe how you plan to ensure/enforce that only those of legal drinking age are consuming/purchasing alcohol.

Wristbands must be worn by everyone who attends this event. We will be checking ID's , and there will be different colored wristbands for Under 21.

Name tags must be worn by everyone during the course of this event.

I understand that the issuance of this permit shall in no way affect the enforcement/prosecution of disorderly conduct, public intoxication, or any other City of Folly Beach ordinance or South Carolina Law.



From: rhall@cityoffollybeach.com
To: [Colleen Jolley](#)
Subject: New submission from City of Folly Beach Event Form
Date: Monday, January 13, 2020 2:15:33 PM

Which best describes your event? Select all that apply.

- Other events on the beach (sporting events, fund raisers, etc)

Main Contact

Nancy Hussey

Organization (if applicable)

Surfers Healing Folly

Address

487 Planters Trace Drive
Charleston, South Carolina 29412
United States
[Map It](#)

Phone

(843) 343-4047

Cell Phone (must be available during business hours)

(843) 343-4047

Email

admin@surfershealingfolly.org

Start Date

08/20/2020

End Date

08/20/2020

Beginning Time (including setup)

06:00 am

End Time (including breakdown)

04:30 pm

Requested Location

on the beach in front of the Tides parking lot, next to the Pier
United States
[Map It](#)

Event Name

Surfers Healing Folly Beach

Purpose of Event

to take children with autism surfing

Description of Event

2020 Surfers Healing Folly Beach is an event that provides one perfect day of surfing and inclusion for families living with Autism Spectrum Disorder.

This is our 13th Annual Surfers Healing! Our goal, thru our local non profit chapter, is to provide an unforgettable and therapeutic surfing experience while having families and friends enjoy an environment of total acceptance.

Professional surfers from around the world who are extremely well trained in the care of children and families with autism, take the kids out in the ocean on large tandem surfboards.

We have teams of volunteers, over 400, who are assigned specific jobs during the day. Our volunteers include therapists, physicians, and others who specialize in autism therapy. We also have a handpicked crew of experienced surfers, water safety instructors and lifeguards who ensure safety in the water and on the beach.

We provide food, stuffed goody bags, t-shirts, and many activities tailored for kids with autism at no cost to the families. It's a day where Folly businesses, residents and friends come together in a grand way to support our very special families. We have a team of photographers to capture the day and provide thousands of photos at no cost to the families. We will also have drone footage, a water photographer and go pro cameras attached to some of the surfboards.

A professional movie crew will be filming a documentary short film again this year, that shines a light on the love and family atmosphere of Surfers Healing and Folly Beach.

We are extremely grateful to the City of Folly Beach for the many years of support and participation with Surfers Healing!

Estimated Number of Attendees

1,500

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

In our 13th year of Surfers Healing on Folly Beach, we believe that our event has a positive impact on residents by bringing the community together to help families who are so in need of a special day of inclusion and non judgement. This is a family friendly event, and is well publicized thru print, social, radio, tv media, that presents Folly Beach as a city who cares deeply for special needs families from near and far.

As people from about 70 zip codes are in town for Surfers Healing, during the week, and when most school districts have begun classes, there should be an increased financial benefit to the City.

The Tides Hotel reaches full occupancy, as well as condos, bed and breakfasts, and many beach house rentals. Restaurants and shops should see an increase in business and it's been communicated that MANY families return to Folly Beach at other times of the year because of the positive Folly Beach experience they've enjoyed during Surfers Healing.

Do you plan to serve (at no charge) alcoholic beverages at the event?

No

Do you plan to sell alcoholic beverages of any kind during the event?

No

2020 SURF SEASON CONTEST SCHEDULE
SSC—SOUTHERN SOUTH CAROLINA District
Eastern Surfing Association

April 18-19	Points Contest #1 Sponsored by: Play it Again Sports	The Washout Folly Beach SC
April-September	TEAM CHALLENGE Shortboard-Longboard	The Washout Folly Beach SC
May 1-3	ESA Mid Atlantic Regionals By INVITATION ONLY	Jennettes Pier Nags Head NC
May 16-17	Points Contest #2 Sponsored by: OCEAN SURF SHOP	The Washout Folly Beach SC
June 13-14	Points Contest #3 Sponsored by: PARROT SURF SHOP	The Washout Folly Beach SC
July 11-12	DJ McKevlin's GROMFEST 18 & Under Shortboard & Longboard	The Washout Folly Beach SC
August 8-9	THE SOUTH CAROLINA GOVERNOR'S CUP of SURFING Points Contest #4	The Washout Folly Beach SC
August 22-23	CONTEST MAKE UP DATE	The Washout Folly Beach SC
September 20-26	THE EASTERNS ESA SURFING CHAMPIONSHIPS By INVITATION ONLY	Jennettes Pier Nags Head NC
October 10-11	The JH LONGBOARD CLASSIC Sponsored by: Mex 1 & Parrot Surf Shop	Isle of Palms Pier County Park IOP

SSC-ESA DISTRICT DIRECTOR Marshall DePass 843-200-4653 iopmarshall@aol.com
DISTRICT CO-DIRECTOR Paul Martin 843-412-1094 paul.martin@hrallen.com
Contest Director/Membership Tanja DePass 843-200-8265 depasstanjasscesa@gmail.com

MAILING ADDRESS SSC-ESA 28 26th AVE. ISLE of PALMS, SC 29451

JOIN US ON **FACEBOOK**(search SSC-ESA) Group Page

SSC WEBSITE www.ssc.surfesa.org

CITY PROJECT N/C



City of Folly Beach

21 Center Street

PO Box 48

Folly Beach, SC 29439

Application/Permit For Weekend Building Operations

NOTE: All applications for Weekend Building Operation must be submitted to the Clerk of Council before 5:00 PM on the Tuesday prior to the Council Meeting at which the application will be reviewed according the criteria set forth in **Section 150.10 of the Folly Beach Code of Ordinances**. Any information found to be missing or fraudulent shall result in denying the application. IF ADDITIONAL SPACE IS NEEDED YOU MAY INCLUDE ATTACHMENTS

Date 2-4-2020 Job Address 70 CENTER STREET Property Owner Last Name COFB
Applicant COFB Applicant Address 21 CENTER STREET
City FOLLY BEACH State SC Zip Code 29439
Phone 843-588-2447 Fax 843-588-2433 Email ELITE@CITYOFFOLLYBEACH.COM

Zoning of Property ☐ RSF (Single Family) ☐ RMF (Multifamily/Duplex) ☒ Commercial ☐ Other

Type of Work ☐ New ☒ Renovation ☐ Addition

Dates Requested for Weekend Work: ALL NEEDED THROUGH DURATION OF PROJECT

Time Requested for Weekend Work: SAUNDAY 8AM - 6PM, SUNDAY 10AM - 5PM

Describe Work FOLLY RIVER DOCK REPAIRS IAW CONTRACT SCOPE
CONDUCTED BY CHARLESTON DOCK & WALL

Why is Weekend Work Necessary? TO BENEFIT THE PUBLIC AND REOPEN THE
PARK AS SOON AS POSSIBLE.

Approval

Date

Mayor or Building Official

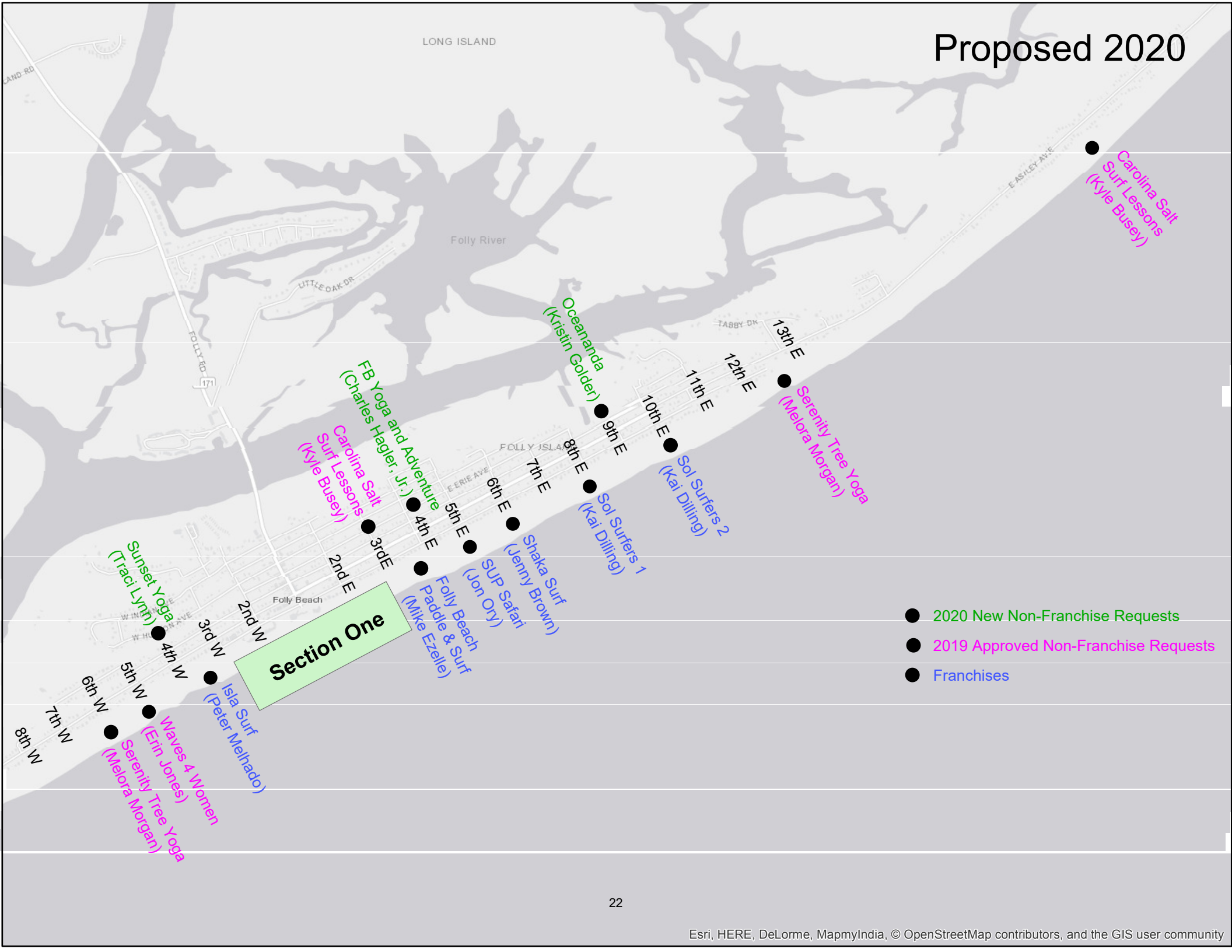
By signing this application I attest that all information is accurate and I will abide by all ordinances in effect at time of application. I also give permission that, as long as the permit is valid, inspectors may enter the construction project to conduct an inspection.

Print Name ERIC LUTZ

Signature ELA

Date 2-4-2020

Proposed 2020



Which best describes your event? Select all that apply.

- Other events on public property (festivals, cultural, music, parades, etc)

Organizer's Address

PO Box 1816
Folly Beach, South Carolina 29439
United States
[Map It](#)

Phone

(843) 323-5607

Cell Phone (must be available during event)

(843) 323-5607

Email

FollyFABEvents@gmail.com

Alternate Contact

Lynn Oliver

Alternate Contact Phone

(843) 296-7190

Date of Event

3/20/2020 - 03/22/2020

Alternate Date

03/27/2020 - 3/29/2020

Estimated Beginning Time (including setup)

07:00 am on 3/21, Center Street

09:00 on 3/22, Beachside at the Tides

Estimated End Time (including breakdown)

06:30 pm on 3/21, Center Street

02:00 pm on 3/22, Beachside at the Tides

Event Address

3/21 - Center Street between Huron & Arctic Avenues

3/22 - 1 Center Street, beachside

Event Name

Sea & Sand Weekend (including S&S Pageant, street festival, volleyball and sand sculpture competition)

Purpose of Event

Weekend of events to celebrate the start of the season including the Ms. Sea & Sand Pageant on Friday, Street festival on Saturday, Volleyball Tournament and Sandsculpture Competition on Sunday

Description of Event

Ms. Sea & Sand Pageant. An annual pageant at the Folly River Park with six categories including a little mister. A very wholesome event, it attracts a crowd of about 50, most family and friends of the contestants. FAB requests a waiver of the fee to rent the Folly River Park. In the past, a FBPS has secured Center Street while the contestants cross from the Community Center to the Folly River Park.

Street Festival. The annual street festival to celebrate the beginning of the summer season. Will feature live music across three stages, 80 arts, crafts & food vendors, multiple kids areas, and other entertainment. As with previous years, the event will be secured with fencing, all gates manned by security personnel. Admission will be charged to attend. FAB requests a street closure between Huron & Arctic Avenues from 7 am to 6:30 pm. The official event will run from 10 am to 4 pm, the remaining time is for setup, breakdown and cleanup.

FAB will secure sufficient security personnel to man the gates and patrol within the festival limits, therefore requests a waiver of all fees associated with FBPS, FBFD and FB Public Works staff. FAB also requests a waiver from any pending noise ordinances as well as a relaxed open container law within the festival limits. All alcohol will be sold & served by existing establishments with the appropriate licenses and insurance and will not be sold or served by FAB.

In addition to the street festival on Saturday, FAB requests approval for a Sand Castle Competition and Volleyball tournament to take place beach side (in front of Tides) on Sunday, March 22 from 9 am to 2 pm. The Sand Castle competition will be free to participate as well as spectate with an anticipated 12 participants. A registration fee will be charged for the Volleyball competition, but free to spectate with an anticipated attendance of 30 people.

Estimated Number of Attendees

3,000

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

The Sea & Sand festival is the longest running festival on Folly Beach that features local vendors, artists, restaurants and businesses. As a wholesome and family friendly event, the event showcases Folly's eclectic and relaxed atmosphere, encouraging return visits. As the summer comes to a close, the festival brings additional tourism to the business community between September 10 and April 30, driving increased revenue for the businesses and ultimately the City via taxes.

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

Yes, during the street festival only

Is this event a sporting event?

No

Do you plan to serve (at no charge) alcoholic beverages at the event?

No

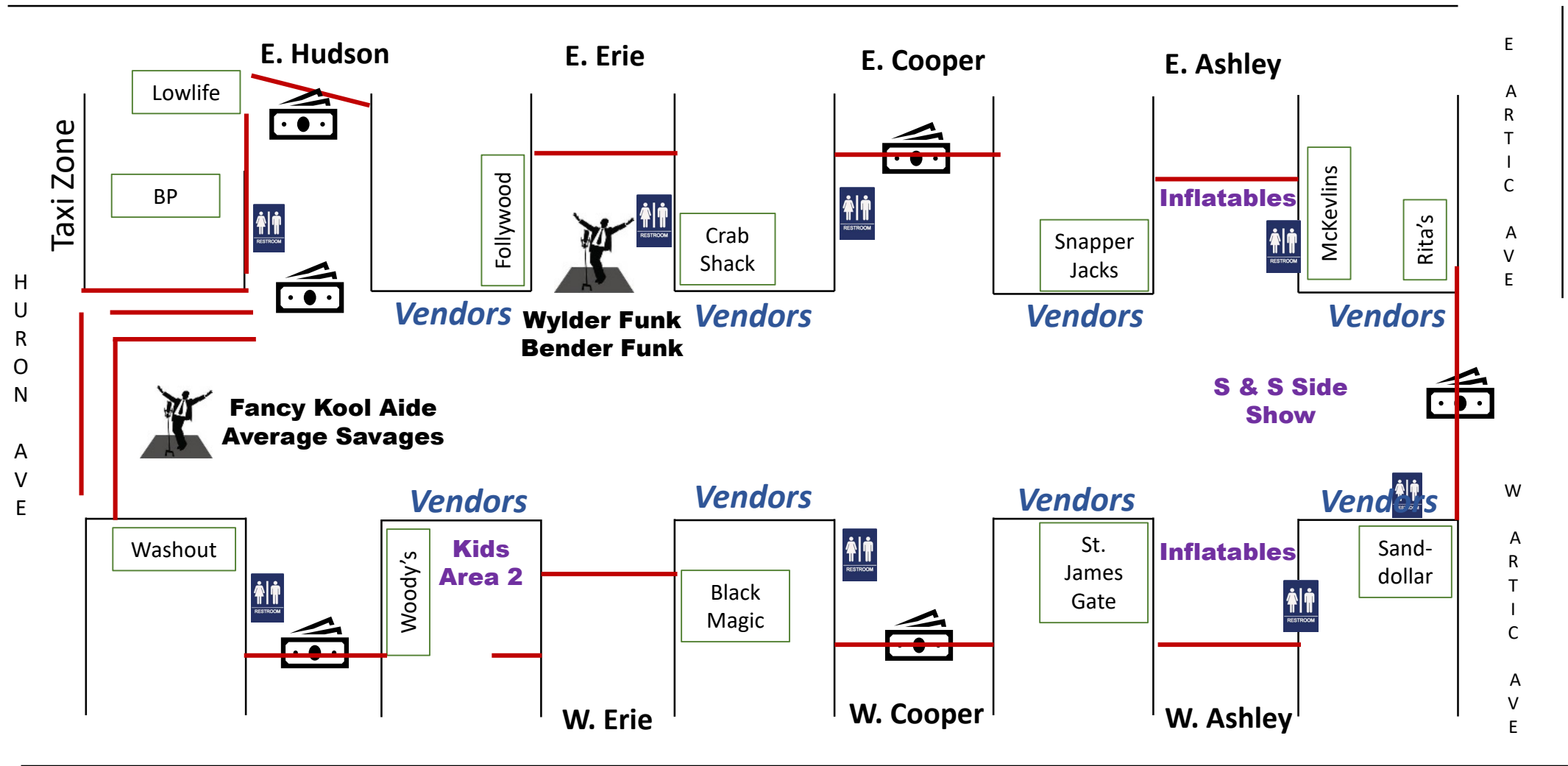
Do you plan to sell alcoholic beverages of any kind during the event?

No, only the restaurants will sell alcohol

By signing, you agree that you have read and will comply with the rules (links above), and will be available at the phone number listed during the event. You are responsible for complying with all city rules and ordinances.

A handwritten signature in black ink, appearing to be 'K. M. / h'.

Sea & Sand- Street Closure & Entrance Map



Event Entrance

— Barricades / Event Perimeter



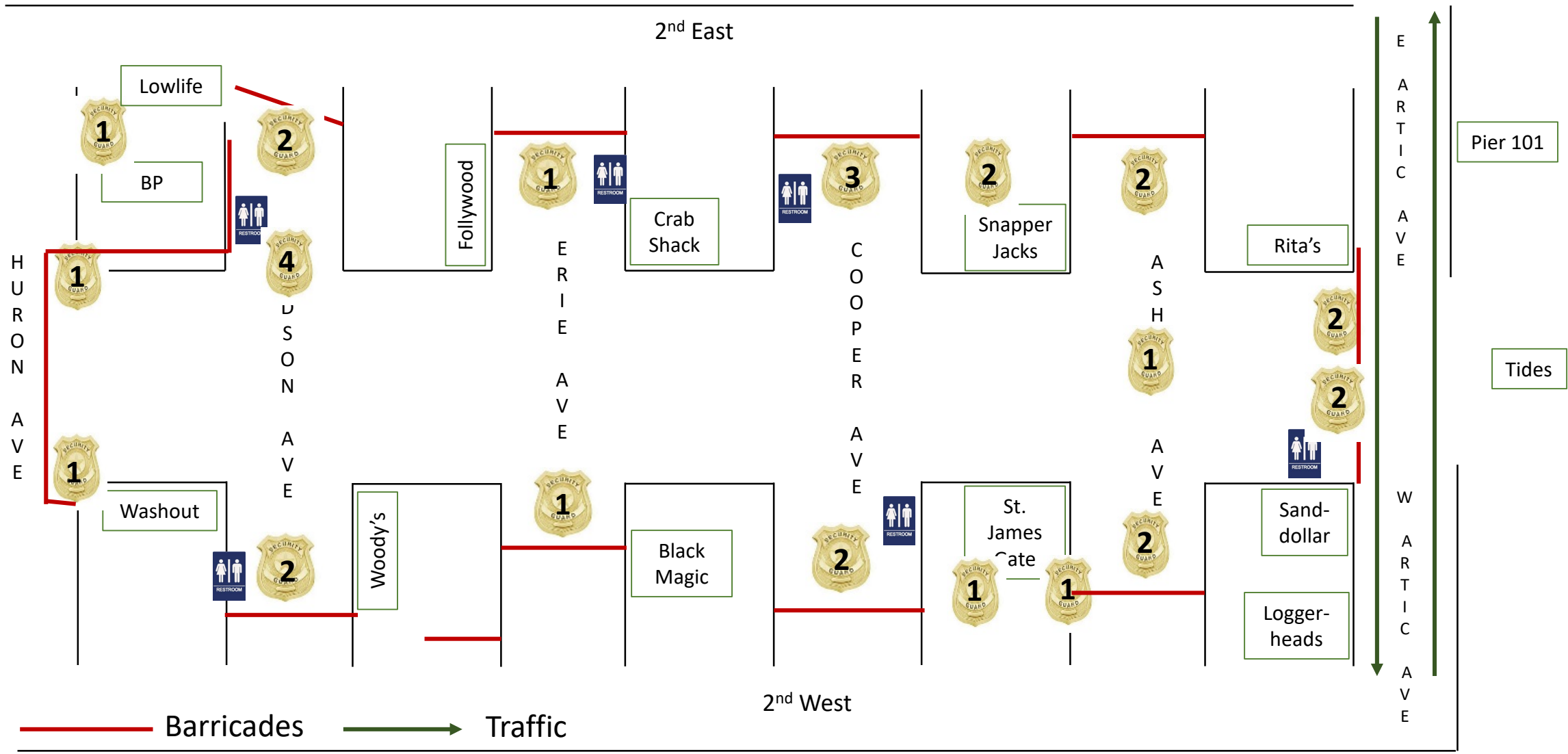
Portable Toilets



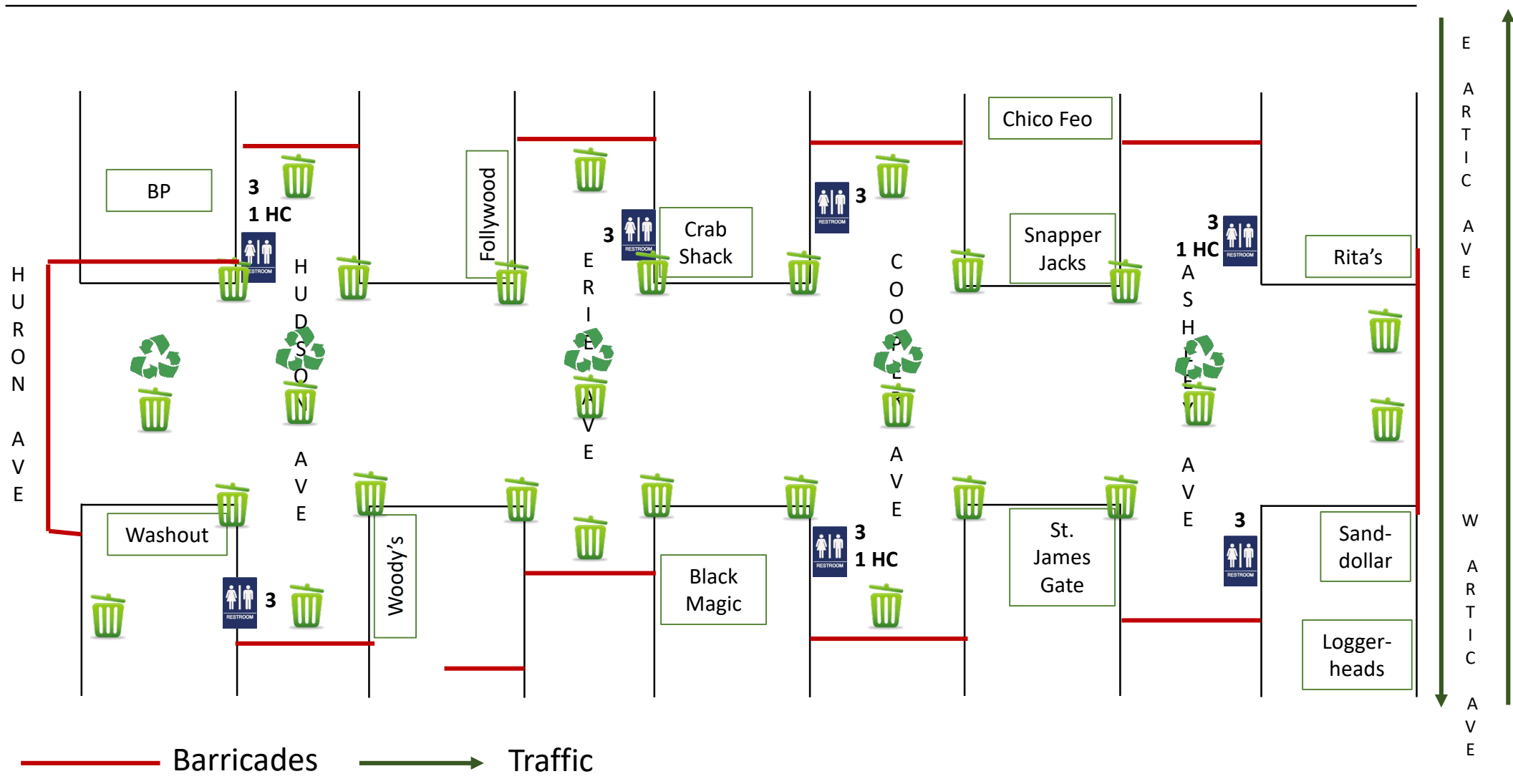
Stage

Sea & Sand Security Detail: 40 Security Personnel, 32 @ Stations, 8 Floating (Draft)

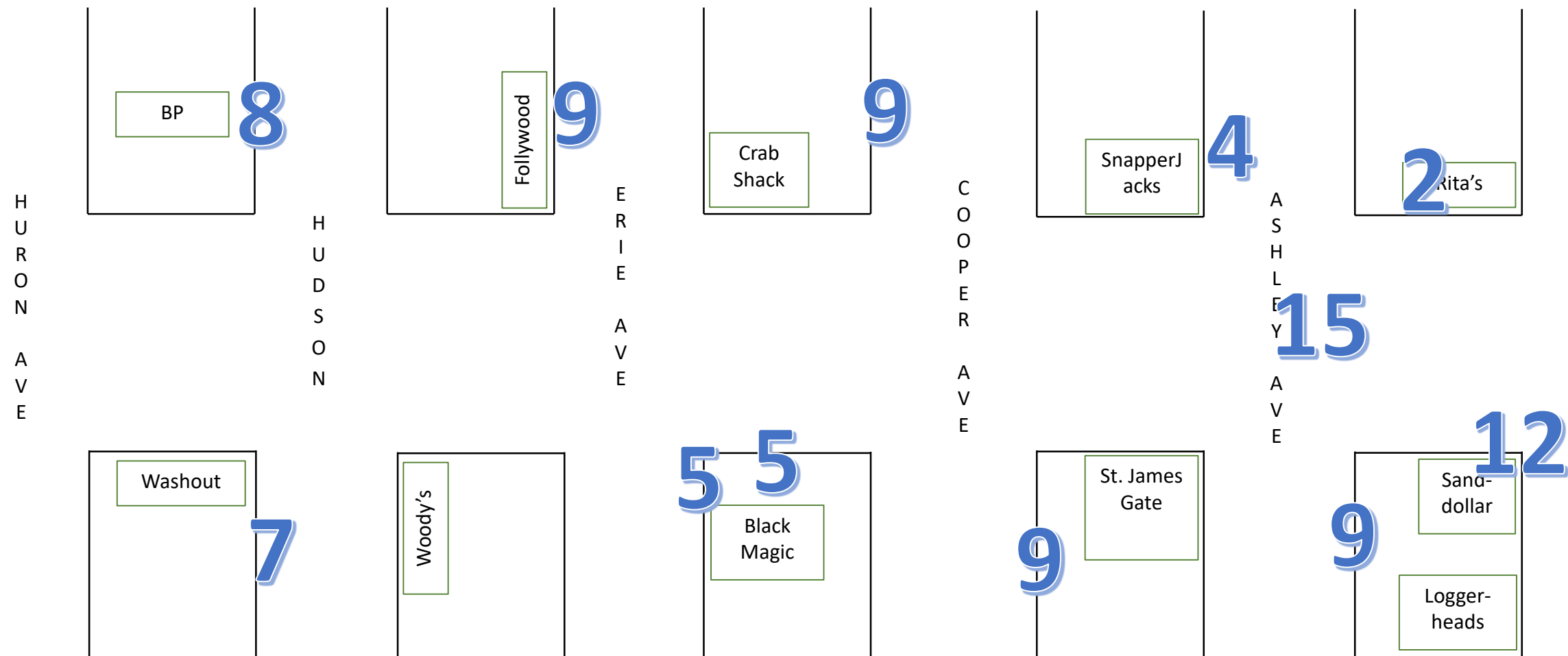
Two Way Traffic
on Artic from 2nd
East to 2nd West



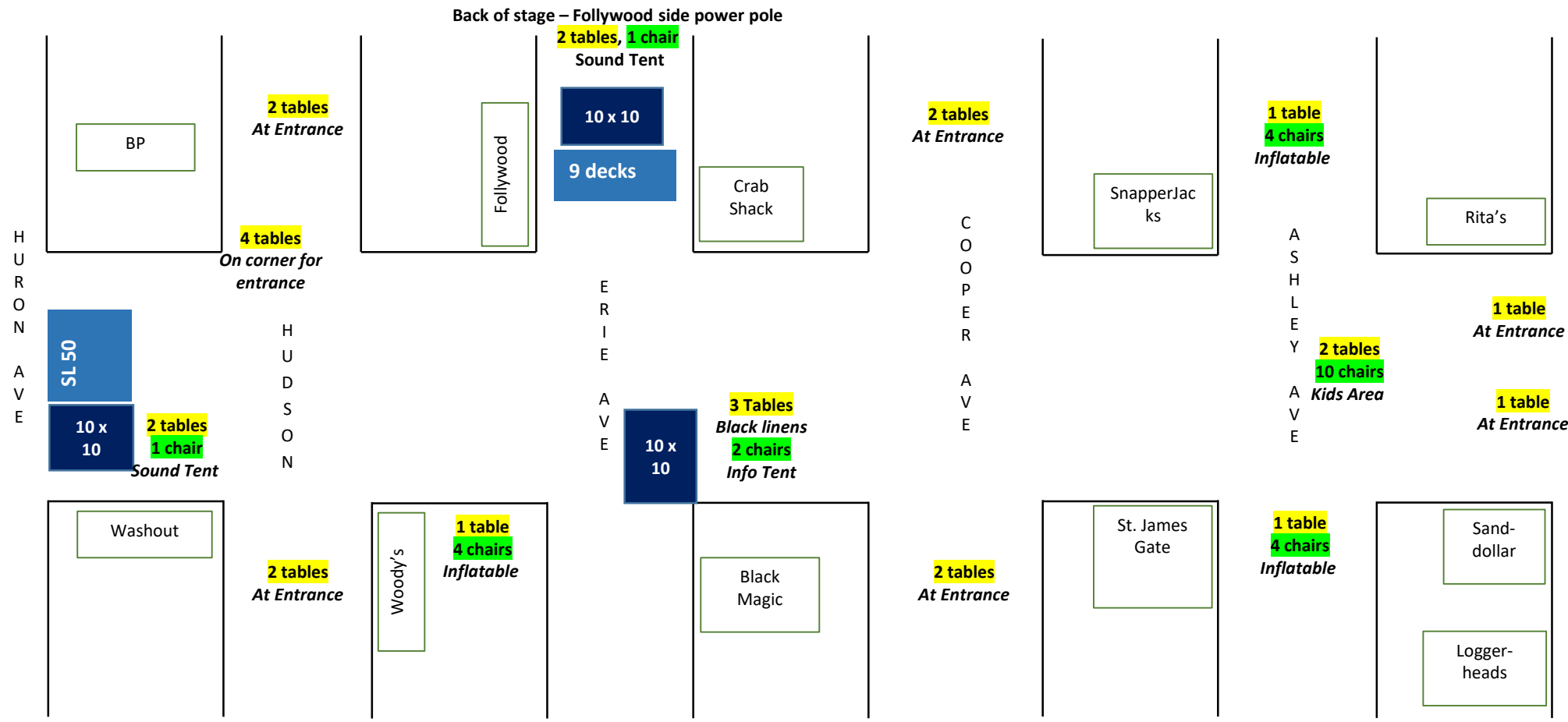
Sea & Sand - Sanitation Map: 21 reg toilets, 3 HC



Sea & Sand - Barricade Drop Map (Draft)

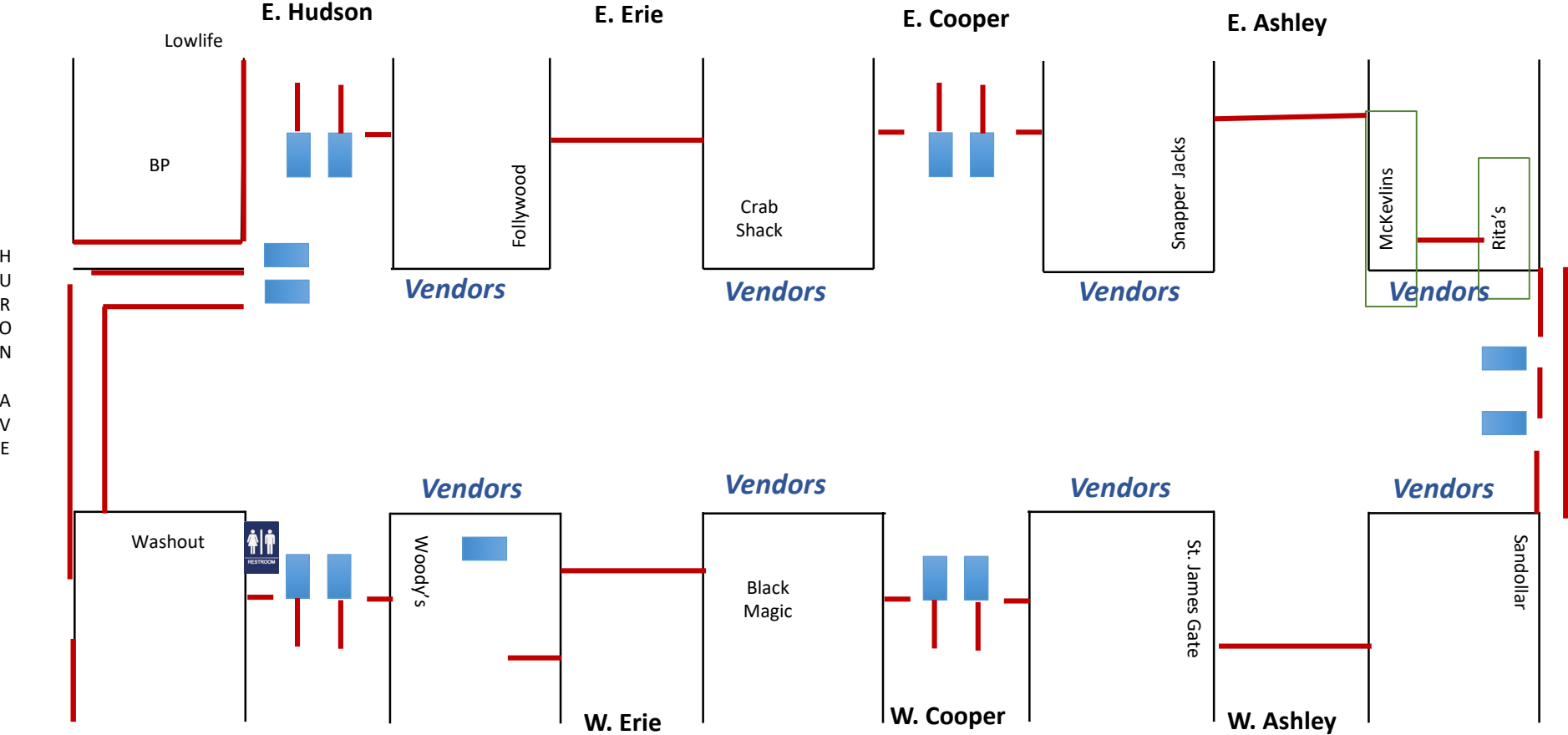


Stage Presence Stage & Tent Layout



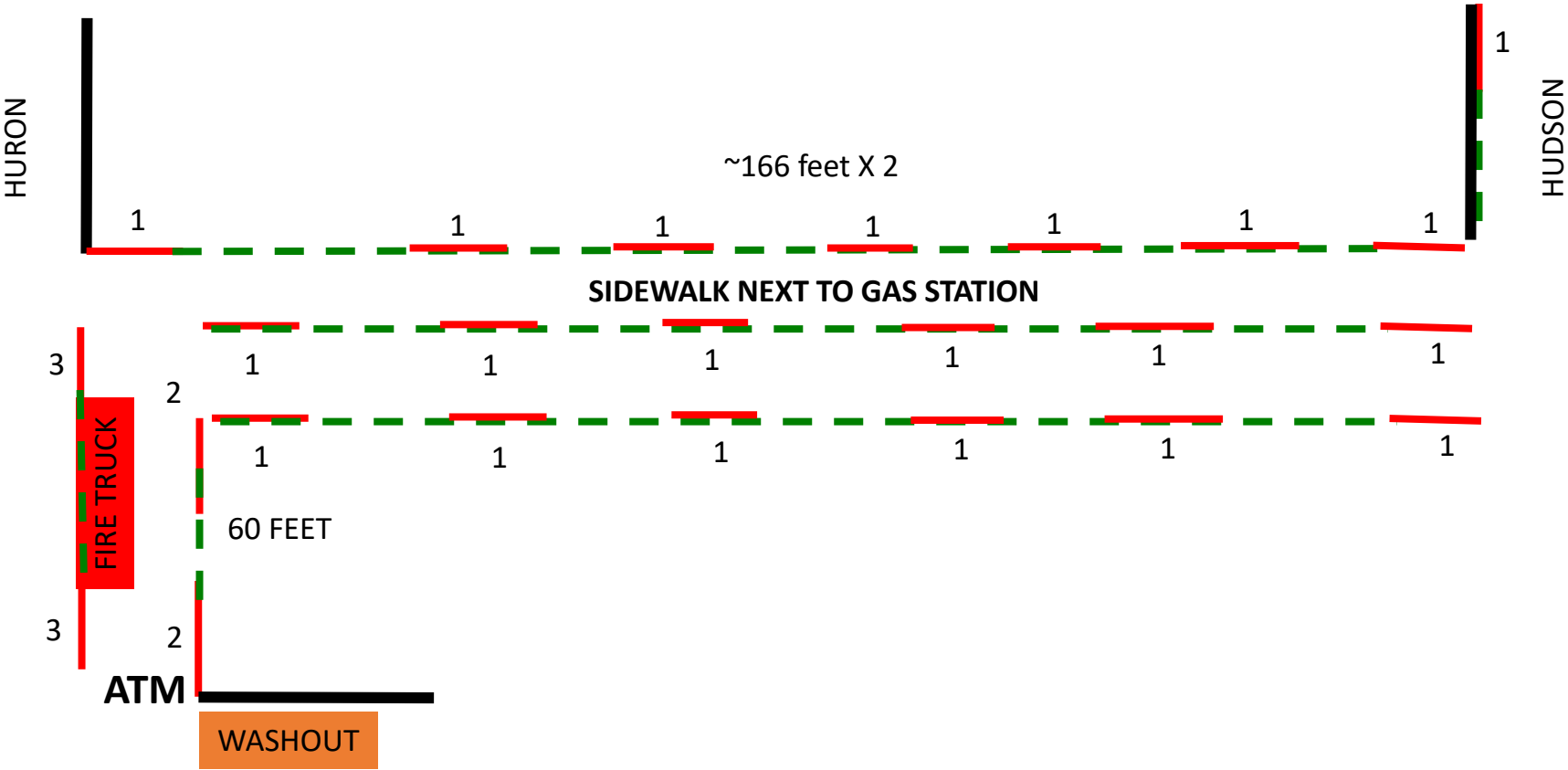
Barricade / Fencing Diagram

Table



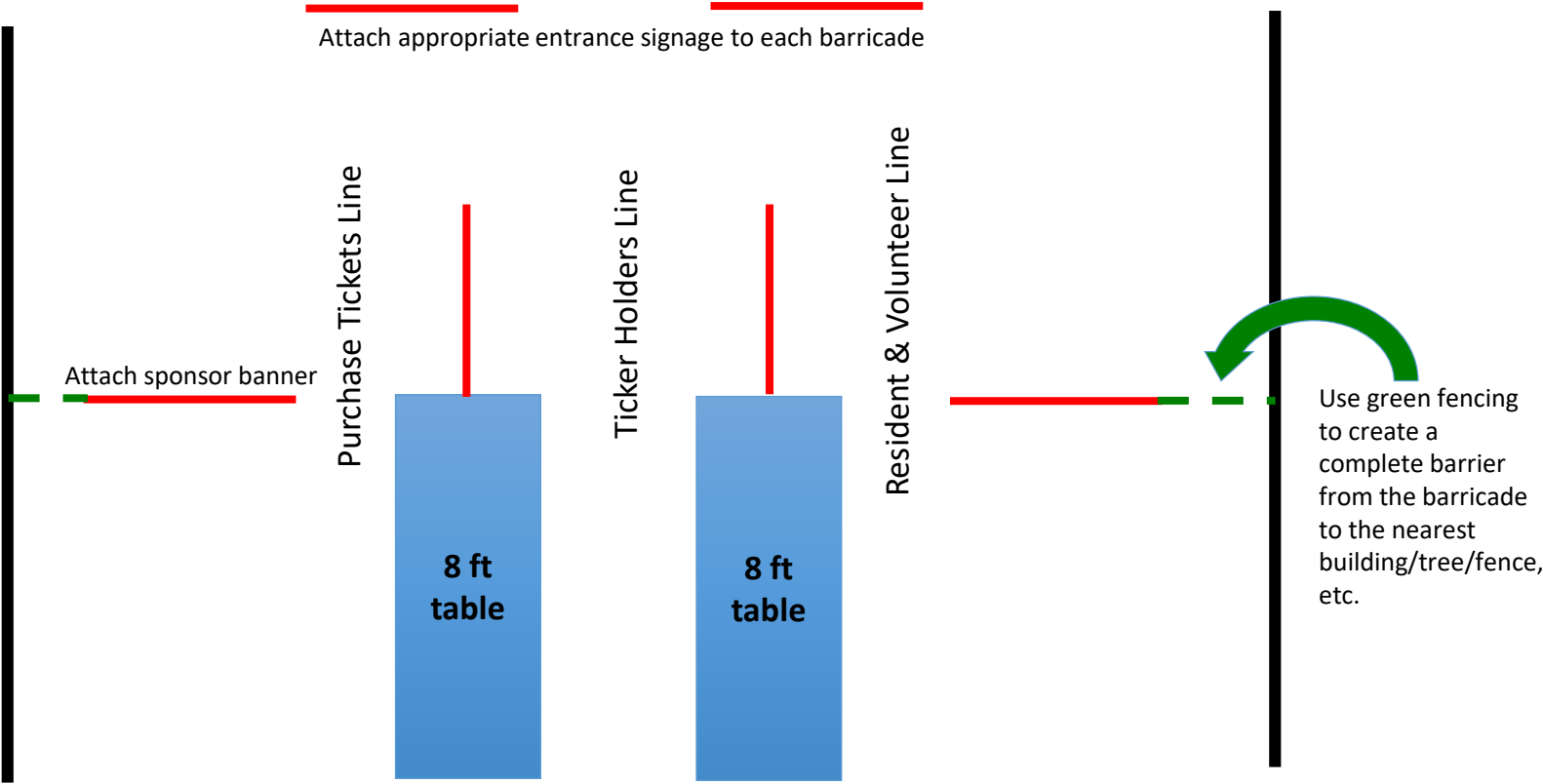
Detailed Barricade Diagram - Around Gas Station

- Barricade
- Green Fencing





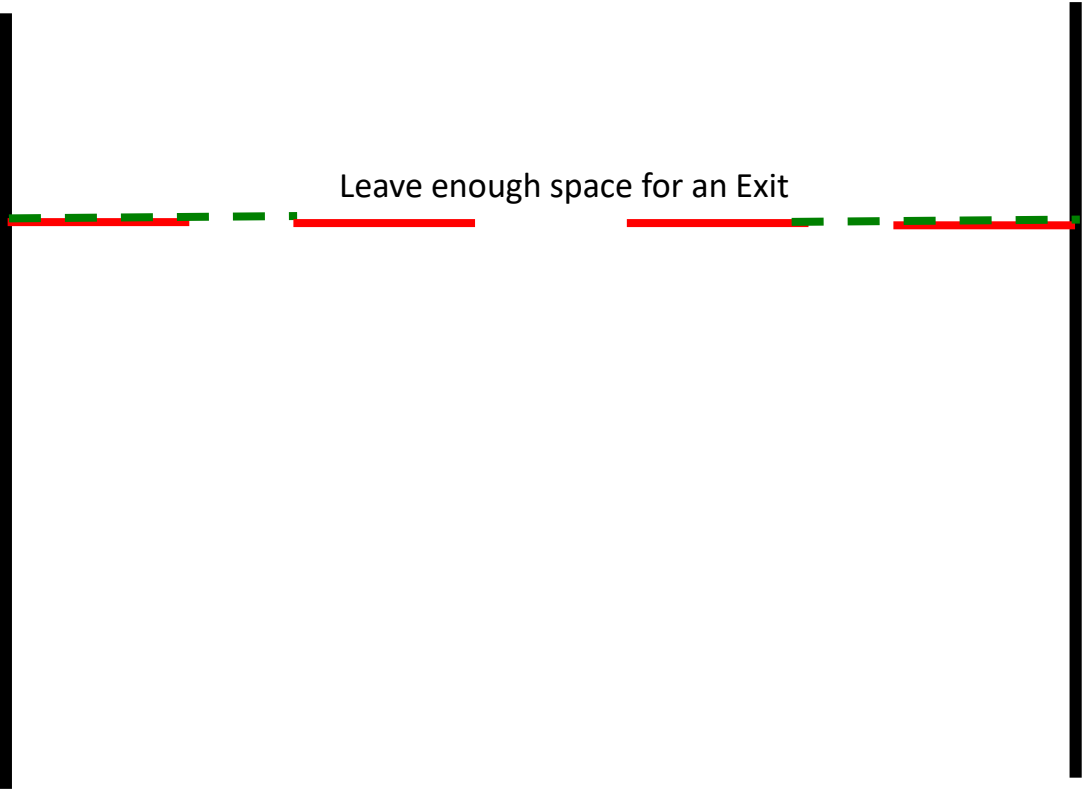
Detailed Gate Diagram – Hudson & Cooper Entrances

- Barricade
- Green Fencing



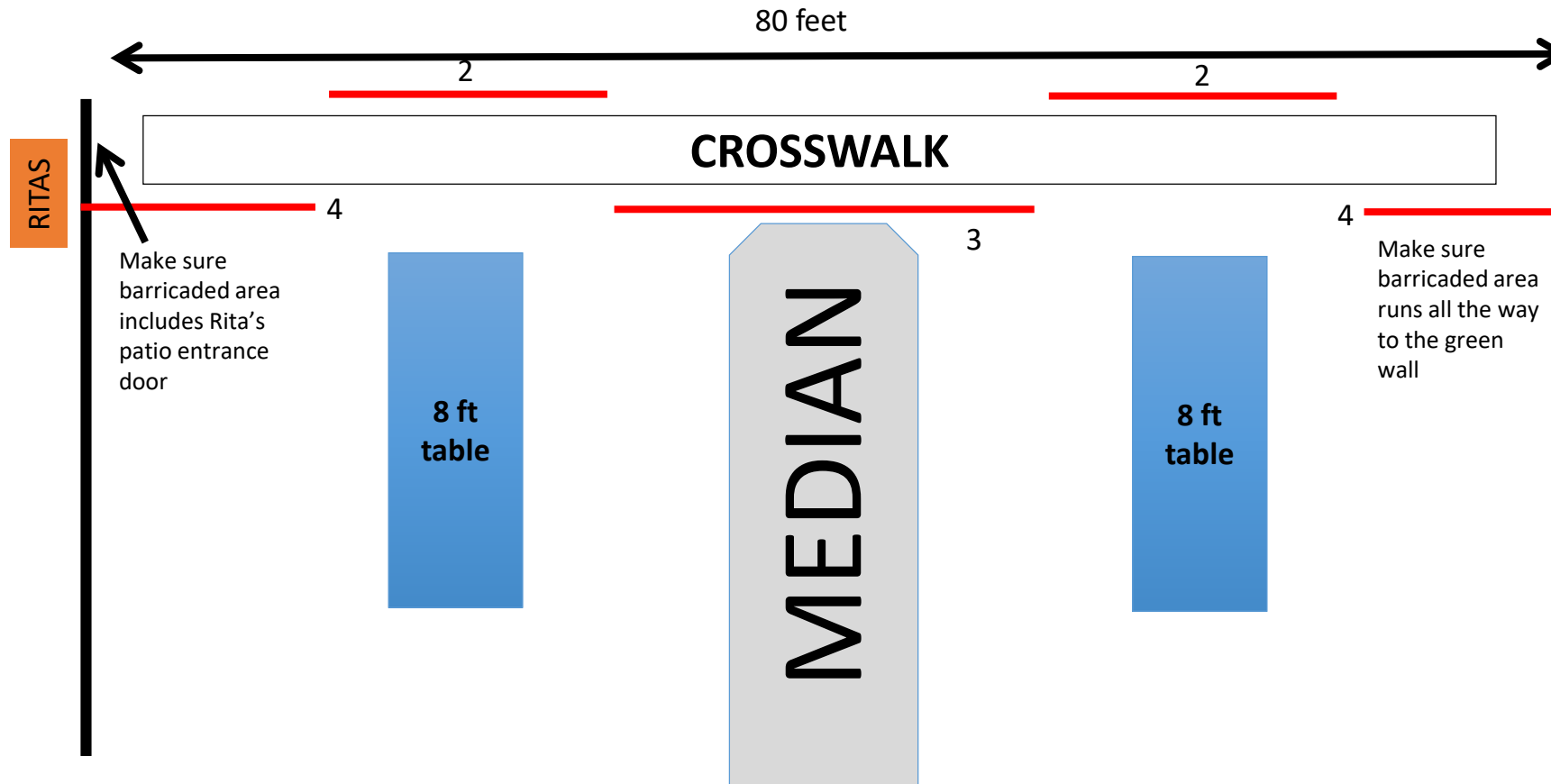
Detailed Gate Diagram – **Erie**

 Barricade
 Green Fencing



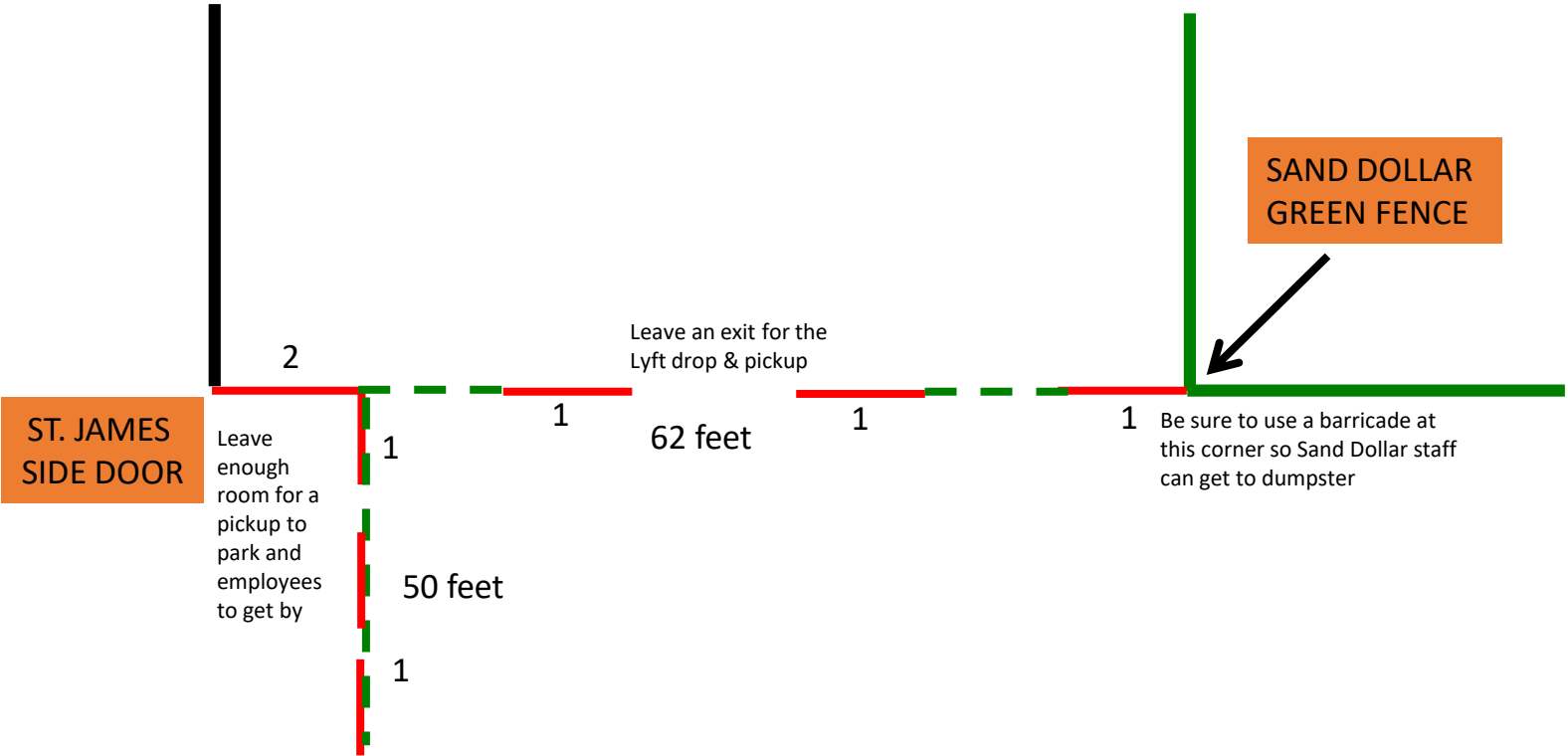
Detailed Gate Diagram – Arctic

— Barricade
— Green Fencing

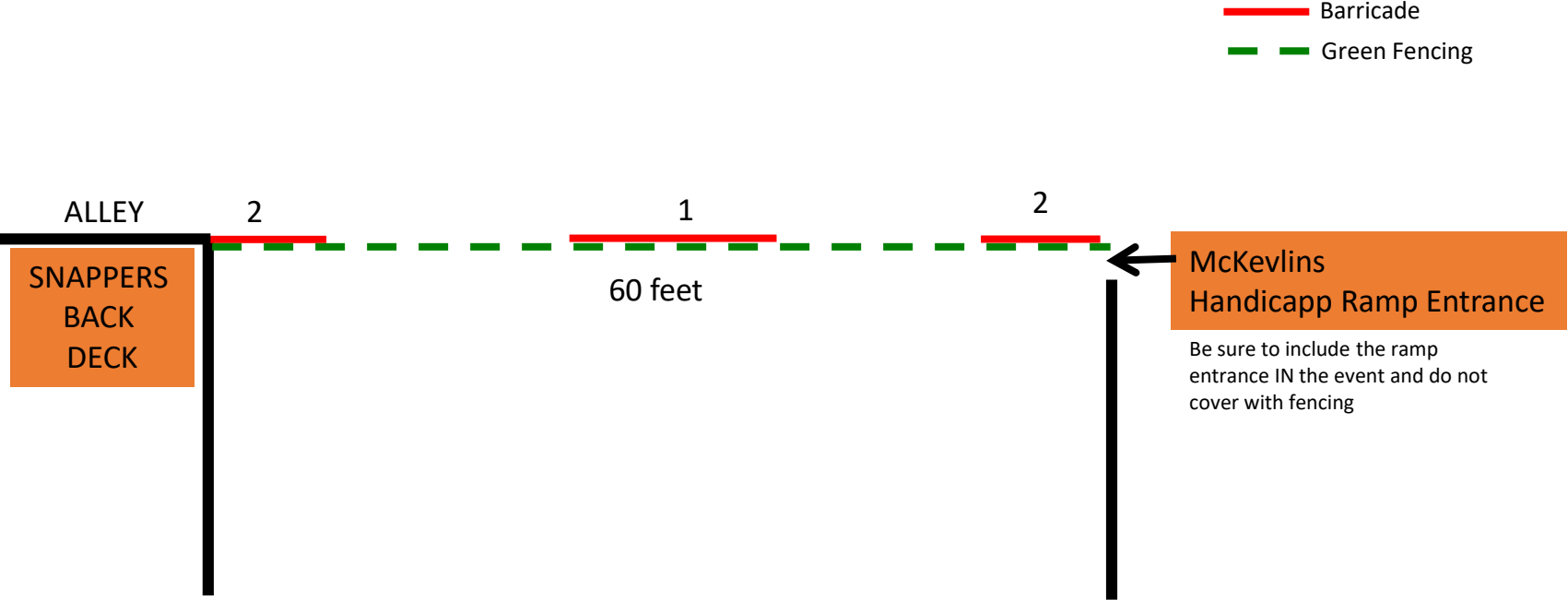


Detailed Barricade Diagram - **West Ashley**

— Barricade
— Green Fencing



Detailed Barricade Diagram - East Ashley





ORDINANCE NO. 01-20

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS AGGREGATE PRINCIPAL AMOUNT (\$2,700,000) OF GENERAL OBLIGATION BONDS OF THE CITY OF FOLLY BEACH, SOUTH CAROLINA; TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SAID BONDS; TO PRESCRIBE THE PURPOSES TO WHICH THE PROCEEDS OF SUCH BORROWING SHALL BE APPLIED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO.

Enacted March 10, 2020

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Exhibit A – Form of Bonds

Exhibit B – Form of Bond Anticipation Note

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOLLY BEACH, SOUTH CAROLINA, AS FOLLOWS:

ARTICLE I

FINDINGS OF FACT

Section 1.01 Findings and Recitals

As an incident to the enactment of this ordinance (this “**Ordinance**”) and the issuance of the Bonds (as hereinafter defined), the City Council of the City of Folly Beach (the “**City Council**”), the governing body of the City of Folly Beach, South Carolina (the “**City**”), finds that the facts set forth in this Article exist and the statements made with respect thereto are in all respects true and correct.

1. The City is an incorporated municipality of the State of South Carolina (the “**State**”), located in Charleston County, South Carolina (the “**County**”), and as such possesses all general powers granted to municipalities by the Constitution and laws of the State.

2. By virtue of Chapter 21, Title 5 and the provisions of Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (together, the “**Enabling Act**”), the City is empowered to issue general obligation bonds for any corporate and public purpose.

3. The City Council, after due investigation and deliberation, has determined that it is necessary to issue general obligation debt in an amount not exceeding \$2,700,000 of the City (the “**Bonds**”) to defray (i) the costs incurred in connection with improvements and renovations to City Hall, public sidewalks and pedestrian paths to connect the City’s business district to the residential district to enhance pedestrian safety, and drainage-related capital projects and enhancements for the City’s island-wide drainage system (the “**Project**”); and (2) issuance costs thereof. It is presently estimated that the costs of the portion of the Project to be financed from the proceeds of the Bonds, together with the costs of issuance of the Bonds, will not be in excess of \$2,700,000.

4. The Project constitutes a corporate and public purpose within the meaning of the Enabling Act.

5. Section 14 of Article X of the Constitution of the State of South Carolina (“**Section 14 of Article X**”) provides that subsequent to November 30, 1977, the municipalities of the State may issue bonded indebtedness in an amount not exceeding 8% of the assessed value of all taxable property therein (the “**Debt Limit**”).

6. The Enabling Act requires that an election be held prior to the issuance of general obligation bonds. Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended, provides that if an election be prescribed by the provisions of the Enabling Act, but is not required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the requirement therefor) and the remaining provisions of the Enabling Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

7. The assessed value of all taxable property in the City for 2019, as established by the assessment thereof, excluding the values of exempt merchants’ inventories, is \$73,701,519. Eight percent of such sum is \$5,896,121.52. As of the date hereof, the outstanding general obligation debt of the City subject

to the limitation imposed by Article X, Section 14(7) of the Constitution is \$116,000, representing the outstanding principal balance of the City's \$452,000 original principal amount General Obligation Bond, Series 2016. Thus, the City may incur \$5,780,121.52 of general obligation debt within its applicable constitutional debt limitation.

8. It is now in the best interest of the City for the Council to provide for the issuance and sale of not exceeding \$2,700,000 general obligation bonds of the City pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina for the purposes set forth in paragraph 3 above.

[End of Article I]

ARTICLE II

DEFINITIONS AND AUTHORITY

Section 2.01 Definitions

As used in this Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

“Authorized Investments” means any securities which are now or hereafter authorized legal investments for municipalities pursuant to the South Carolina Code.

“Authorized Officer” means the Mayor, the City Administrator or the Director of Finance, and any other officer or employee designated from time to time as an Authorized Officer by resolution of the City Council, and when used with reference to any act or document also means any other person authorized by resolution of the City Council to perform such act or sign such document.

“BAN” means any notes issued in accordance with this Ordinance and the BAN Act in anticipation of the issuance of the Bonds.

“BAN Act” means Title 11, Chapter 17 of the South Carolina Code.

“Bond” or ***“Bonds”*** means any of the Bonds of the City, not exceeding \$2,700,000 in aggregate principal amount, issued in one or more Series in accordance with the provisions of this Ordinance.

“Bondholder” or ***“Holder”*** or ***“Holder of Bond”*** or ***“Owner”*** or similar term means, when used with respect to a Bond means any person who shall be registered as the owner of the Bond as shown on the Registry Books.

“Bond Payment” means the periodic payments of principal of, interest on and redemption premium, if any, on the Bonds.

“Bond Payment Date” means each date on which a Bond Payment shall be payable.

“City” means the City of Folly Beach, South Carolina.

“City Administrator” means the City Administrator of the City and includes any interim City Administrator or other official acting in such capacity.

“City Council” means the City Council of the City of Folly Beach, the governing body of the City or any successor governing body.

“Clerk” means the Municipal Clerk of the City.

“Code” means the Internal Revenue Code of 1986, as amended.

“Enabling Act” means Title 5, Chapter 21 and the provisions of Section 11-27-40 of the South Carolina Code.

“Fiduciary” means a third-party institution, which shall be any bank, trust company, or national banking association which is authorized to provide corporate trust services.

“Finance Director” means the director of finance of the City and includes any interim City Finance Director or other official acting in such capacity.

“Government Obligations” means and includes direct general obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which is fully and unconditionally guaranteed by the United States of America.

“Mayor” means the Mayor of the City, or in his absence the Mayor Pro Tempore.

“Ordinance” shall mean this Ordinance of the City Council authorizing the issuance of the Bonds and the BANs.

“Original Issue Date” shall mean the date of delivery of the Bonds to the initial purchaser thereof.

“Outstanding,” when used in this Ordinance with respect to the Bonds, means as of any date, the Bonds theretofore delivered pursuant to this Ordinance except:

- (a) a Bond if cancelled or delivered to the Registrar for cancellation on or before such date;
- (b) a Bond if deemed to have been paid in accordance with the provisions of Section 7.01 hereof; and
- (c) a Bond if in lieu of or in exchange for which another Bond shall have been authenticated and delivered pursuant to Section 3.05 hereof.

“Paying Agent” means any bank, trust company or national banking association which is authorized to pay the principal installments of or interest on any Bond and has the duties, responsibilities and rights provided for in this Ordinance, and its successor or successors and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The entity named as Paying Agent may also act as Registrar. Notwithstanding the above definition of Paying Agent, the Paying Agent may be the City.

“Person” means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof.

“Record Date” means either (1) the fifteenth day of the month in the month immediately preceding each Bond Payment Date for Bond Payment Date falling on the first day of a month or (2) the first day of the month for Bond Payment Dates falling on the fifteenth day of such month.

“Registrar” means any bank, trust company, or national banking association which is authorized to maintain an accurate list of those who from time to time shall be the Holders of the Bonds and shall effect the exchange and transfer of the Bonds in accordance with the provisions of this Ordinance and having the duties, responsibilities, and rights provided for in this Ordinance and its successor or successors and any other corporation or association which at any time may be substituted in its place

pursuant to this Ordinance. The institution named as Registrar may also act as Paying Agent. Notwithstanding the above definition of Registrar, the Registrar may be the City, acting through the Clerk.

“Registry Books” means the registration books for the Bonds maintained by the Registrar pursuant to Section 3.06 hereof.

“Securities Depository” shall mean The Depository Trust Company, New York, New York, or another recognized securities depository selected by the City, which securities depository maintains a book-entry system in respect of the Bonds, and shall include any substitute for or successor to the securities depository initially acting as Securities Depository.

“Securities Depository Nominee” shall mean, as to any Securities Depository, such Securities Depository or the nominee of such Securities Depository in whose name there shall be registered on the registration books maintained by the Registrar the bond certificates to be delivered to and immobilized at such Securities Depository during the continuation with such Securities Depository of participation in its book-entry system. Cede & Co. shall serve as the initial Securities Depository Nominee hereunder.

“Series” means an issuance of Bonds authenticated and delivered on original issuance in a simultaneous transaction, and any Bonds thereafter authenticated and delivered in lieu of or in substitution for such Bonds.

“South Carolina Code” means the Code of Laws of South Carolina 1976, as amended.

Section 2.02 Construction

In this Ordinance, unless the context otherwise requires:

1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Ordinance.
2. The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms refer to this Ordinance, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before, the date of adoption of this Ordinance.
3. Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.
4. Any fiduciary shall be deemed to hold an Authorized Investment in which money is invested pursuant to the provisions of this Ordinance, even though such Authorized Investment is evidenced only by a book entry or similar record of investment.

[End of Article II]

ARTICLE III

ISSUANCE OF BONDS

Section 3.01 Ordering the Issuance of the Bonds

Subject to the conditions set forth in this Ordinance, pursuant to the provisions of the Enabling Act and for the purpose of obtaining funds to defray the costs of the Project, the Bonds shall be issued by the City as general obligation bonds in the principal amount of not exceeding Two Million Seven Hundred Thousand Dollars (\$2,700,000) designated "General Obligation Bond, Series 2020 of the City of Folly Beach, South Carolina" or such other designation as determined appropriate by an Authorized Officer. The Bonds may bear a Series designation as determined by an Authorized Officer, but in all cases shall include the calendar year of the issuance thereof. An Authorized Officer is hereby authorized to determine the principal amount of the Bonds and other items related to the sale and marketability of the Bonds. As determined by an Authorized Officer, the Bonds may be issued in multiple Series bearing any such designation as appropriate.

Section 3.02 Maturity Schedule of the Bonds

The Bonds shall be dated as of the date of their delivery and shall bear interest from the dated date. The principal amount, term, maturities, rate of interest (not to exceed 5%) and payment details of the Bonds shall be determined by an Authorized Officer, provided, however, that in no event shall the principal amount of the Bonds exceed \$2,700,000 and the final maturity of the Bonds shall in no event be later than June 1, 2035. Bond Payments on the Bonds shall be scheduled to occur no less frequently than annually, and may be scheduled more frequently if so determined by an Authorized Officer.

The Bonds shall be dated and authenticated as of the Original Issue Date, unless an Authorized Officer and purchaser of the Bonds agree otherwise.

Section 3.03 Medium of Payment; Form and Denomination of the Bonds; Place of Payment

(a) The Bonds shall be payable as to principal and interest on the basis of a 360-day year, consisting of twelve 30-day months, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(b) As determined by an Authorized Officer, the Bonds shall be issued either (i) in the form of one or multiple fully registered bonds in the name of the purchaser, or (ii) under a book-entry-only system, registered in the name of Cede & Co. as the registered owner and nominee of The Depository Trust Company, New York, New York ("**DTC**"), which in such instance will act as Securities Depository.

If the Bonds are issued in book-entry form, the Bond Payments shall be payable at the corporate trust office of the Paying Agent and payment of the interest on each Bond shall be made by the Paying Agent to the Person appearing as the registered owner thereof on each Record Date on the Registry Books, by check or draft mailed to such registered owner at its address as it appears on such Registry Books in sufficient time to reach such registered owner on the Bond Payment Date. Payment of the Principal Installment of all Bonds shall be made upon the presentation and surrender for cancellation of such Bonds as the same shall become due and payable.

If the Bonds are issued in the form of one or more fully registered bonds in the name of the purchaser, then the City shall serve, unless otherwise determined by an Authorized Officer, as Paying Agent for the Bonds, and the Bond Payments shall be made by the Paying Agent to the Person appearing on each Record Date on the Registry Books, as provided in Section 3.06 hereof, by check or draft mailed from the City to such registered owners at the addresses as they appear on such Registry Books in sufficient time to reach such registered owners on the Bond Payment Dates. Payment of the final Bond Payment shall be made when the same is due and payable upon the presentation and surrender for cancellation of the Bonds at the administrative office of the City, or upon such other condition or indicia of satisfaction as may be mutually agreed-upon by the City and the purchaser of the Bonds.

Section 3.04 Execution

The Bonds shall be executed in the name of and on behalf of the City by the manual or facsimile signature of an Authorized Officer, with its corporate seal impressed, imprinted or otherwise reproduced thereon, and attested by the manual signature of its Clerk or other Authorized Officer (other than the officer or officers executing the Bonds). The Bonds may bear the signature of any person who shall have been such an Authorized Officer authorized to sign the Bonds at the time such Bonds were so executed, and shall bind the City notwithstanding the fact that his or her authorization may have ceased prior to the authentication and delivery of the Bonds.

Section 3.05 Exchange of the Bonds

Any Bond, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered Holder or his or her duly authorized attorney, may, at the option of the registered Holder thereof, be exchanged for a new Bond of like tenor, interest rate and maturity. So long as the Bonds remain Outstanding or unpaid, the City shall make all necessary provisions to permit the exchange of any Bonds. Such exchanged Bond shall reflect the principal amount thereof as then yet unpaid.

Section 3.06 Transferability and Registry

The Bonds shall at all times be transferable only in accordance with the provisions for registration and transfer contained in this Ordinance and in the Bonds. So long as the Bonds remain Outstanding or unpaid, the Registrar shall maintain and keep, at its offices, the Registry Books for the registration and transfer of the Bonds, and, upon presentation thereof for such purpose at such office, the Registrar shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it may prescribe, the Bonds.

Section 3.07 Transfer of the Bonds

The Bonds shall be transferable only upon the Registry Books, upon presentation and surrender thereof by the Holder of a Bond in person or by his or her attorney duly authorized in writing, together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered Holder or his or her duly authorized attorney. Upon surrender for transfer of a Bond, the City shall execute, authenticate and deliver, in the name of the Person who is the transferee, a new Bond of the same tenor, principal amount, maturity and rate of interest as the surrendered Bond. Such transferred Bond shall reflect the principal amount thereof as then yet unpaid.

Section 3.08 Regulations with Respect to Exchanges and Transfers

Any Bond surrendered in any exchange or transfer shall forthwith be cancelled by the Registrar. For each such exchange or transfer of a Bond, the Registrar may make a charge sufficient to reimburse itself for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the Holder requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The City shall not be obligated to issue, exchange or transfer a Bond during the 15 days next preceding any (a) Bond Payment Date, or (b) date upon which the Bond will be redeemed, if any.

Section 3.09 Mutilated, Destroyed, Lost and Stolen Bonds

(a) If a Holder surrenders a mutilated Bond to the Registrar or the Registrar receives evidence to its satisfaction of the destruction, loss, or theft of the Bond, and there is delivered to the Registrar such security or indemnity as may be required by it to save it harmless, then, in the absence of notice that the Bond has been acquired by a bona fide purchaser, the City shall execute and deliver, in exchange for the mutilated Bond or in lieu of any such destroyed, lost, or stolen Bond, a new Bond of like tenor, maturity, and interest rate bearing a number unlike that of such mutilated, destroyed, lost, or stolen Bond, and shall thereupon cancel any such mutilated Bond so surrendered. In case any such mutilated, destroyed, lost, or stolen Bond has become or is to become due for final payment within one month, the City in its discretion may, instead of delivering a new bond certificate, pay the Bond.

(b) Upon the delivery of a new Bond under this Section 3.09, the City may require the payment of a sum sufficient to cover any tax, fee, or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees or other fees, of the City or the Registrar connected therewith.

(c) Each new Bond delivered pursuant to this Section in lieu of any destroyed, lost, or stolen Bond, shall constitute an additional contractual obligation of the City, whether or not the destroyed, lost, or stolen Bond shall at any time be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with the Bond duly issued pursuant to this Ordinance.

(d) The Bonds shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of the mutilated, destroyed, lost, or stolen Bonds and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of the mutilated, destroyed, lost, or stolen Bonds or securities.

Section 3.10 Holders As Owners of the Bonds

The City and the Registrar may deem and treat the Holders of the Bonds as the absolute owners thereof, whether the Bonds shall be overdue or not, for the purpose of receiving payment of, or on account of, Bond Payments on the Bonds and for all other purposes, and payment of Bond Payments shall be made only to, or upon the order of, such Holders. All payments to the Holders shall be valid and effectual to satisfy and discharge the liability upon the Bonds to the extent of the sum or sums so paid, and the City shall not be affected by any notice to the contrary.

Section 3.11 Cancellation of the Bonds

The Registrar shall destroy any Bond when the same shall be surrendered to it for cancellation. In such event, the Bond shall no longer be deemed Outstanding under this Ordinance and no bond certificate shall be delivered in lieu thereof.

Section 3.12 Payments Due Saturdays, Sundays and Holidays

In any case where the Bond Payment Date shall be Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then payment of the Bond Payment need not be made on such date but may be made on the next succeeding business day not a Saturday, Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the Bond Payment Date and no interest shall accrue for the period after such date.

Section 3.13 Tax Exemption in South Carolina

The interest on the Bonds shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer or certain franchise taxes.

Section 3.14 Security; Order to Levy Ad Valorem Taxes to Pay Principal and Interest of the Bonds

For Bond Payments on the Bonds as the same become due and for the creation of such sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the City are hereby irrevocably pledged, and there shall be levied an *ad valorem* tax upon all taxable property located within the City sufficient to pay the Bond Payments until the Bonds are no longer Outstanding. Such levy shall be reduced to the extent that, at the time the amount of annual millage levy for the debt service is set, the City has available other amounts for the payment of amounts due on the succeeding Bond Payment Date and has deposited the same into the sinking fund established for the payment of the Bond Payments.

Section 3.15 Form of the Bonds

The Bonds and registration provisions to be endorsed thereon, shall be substantially in the form set forth in Exhibit A attached hereto and made a part of this Ordinance. To the extent the Bonds are sold in the public markets, the form of the Bonds may be revised accordingly to include provisions and language unique to a public market bond issuance.

Section 3.16 Book-Entry-Only System

(a) Notwithstanding anything to the contrary herein, so long as the Bonds are being held under a book-entry system of a securities depository, transfers of beneficial ownership of the Bonds will be effected pursuant to rules and procedures established by such securities depository. If held under a book-entry system, the initial securities depository for the Bonds will be DTC. DTC and any-successor securities depositories are hereinafter referred to as the "Securities Depository" and "Securities Depository Nominees" respectively.

(b) As long as a book-entry system is in effect for the Bonds, the Securities Depository Nominee will be recognized as the Holder of the Bonds for the purposes of: (i) paying the principal

installments, interest, and redemption price, if any, on the Bonds, (ii) selecting the portions of such Bonds of a maturity to be redeemed, if Bonds of a maturity are to be redeemed in part, (iii) giving any notice permitted or required to be given to Bondholders under this Ordinance, (iv) registering the transfer of beneficial ownership interests in the Bonds, and (v) requesting any consent or other action to be taken by the Holders of the Bonds, and for all other purposes whatsoever, and the City shall not be affected by any notice to the contrary.

(c) The City shall not have any responsibility or obligation to any participant, any beneficial owner or any other person claiming a beneficial ownership in any Bond which is registered to a Securities Depository Nominee under or through the Securities Depository with respect to any action taken by the Securities Depository as Holder of such Bond.

(d) The City shall pay all principal installments, interest and redemption price, if any, on any Bond issued under a book-entry system, only to the Securities Depository or the Securities Depository Nominee, as the case may be, for such Bond, and all such payments shall be valid and effectual to fully satisfy and discharge the obligations with respect to the principal of, interest on, and redemption price, if any, of such Bond.

(e) In the event that the City determines that it is in the best interest of the City to discontinue the book-entry system of transfer for the Bonds, or that the interests of the beneficial owner of the Bonds may be adversely affected if the book-entry system is continued, then the City shall notify the Securities Depository of such determination. In such event, the Registrar shall authenticate, register and deliver physical certificates for the Bonds in exchange for the Bonds registered in the name of the Securities Depository Nominee.

(f) In the event that the Securities Depository for the Bonds discontinues providing its services, the City shall either engage the services of another Securities Depository or arrange with a Registrar for the delivery of physical certificates in the manner described in subparagraph (e) above.

(g) In connection with any notice or other communication to be provided to the Holders of the Bonds by the City or by the Registrar with respect to any consent or other action to be taken by the Holders of the Bonds, the Registrar shall establish a Record Date for such consent or other action and give the Securities Depository Nominee notice of such record date not less than 15 days in advance of such Record Date to the extent possible.

(h) At the closing of the Bonds and the delivery of the same to the purchaser thereof through the facilities of DTC, the Registrar may maintain custody of Bond certificates on behalf of DTC in accordance with DTC's "FAST" closing procedures.

[End of Article III]

ARTICLE IV

REDEMPTION OF BONDS

Section 4.01 Redemption of the Bonds

The Bonds shall be subject to redemption prior to maturity upon such terms as may be agreed to by an Authorized Officer and the purchaser of the Bonds as memorialized on the faces of the Bonds.

Section 4.02 Election to Redeem

In the event that the City shall, in accordance with the provisions of Section 4.01 hereof, elect to redeem the Bonds, it shall give notice to the Registrar and the Paying Agent of each optional redemption. Such notice shall specify the date fixed for redemption and the Bonds which are to be redeemed. Such notice shall be given at least 30 days prior to the date fixed for redemption or such lesser number of days as shall be acceptable to the Registrar.

[End of Article IV]

ARTICLE V

SALE OF BONDS

Section 5.01 Sale and Award of Bonds

The Bonds shall be sold at a date and time certain after public notice thereof at not less than par and accrued interest to the date of delivery. Bids shall be received at such time and date and in such manner as determined by the Authorized Officers. Unless all bids are rejected, the award of the Bond may be made by the Authorized Officers to the bidder offering the most advantageous terms to the City, with the basis of such award to be set forth in the official notice of sale used in connection with the sale of the Bond (the “*Official Notice of Sale*”). In lieu of publishing the Official Notice of Sale in its entirety to notice the sale, an Authorized Officer may elect to publish an abbreviated form of such notice (the “*Summary Notice of Sale*”) and provide the Official Notice of Sale to those parties who request the same pursuant to the instructions provided in the Summary Notice of Sale.

Section 5.02 Manner of Public Sale

Not less than seven days following the publication of either the Official Notice of Sale or Summary Notice of Sale in a newspaper of general circulation in the State, and/or, if deemed appropriate by an Authorized Officer, in a financial publication published in the City of New York, New York, any Series of the Bonds may be sold pursuant to either of the following methods as determined by an Authorized Officer:

- (a) *Competitive Direct Placement.* The Bonds may be sold to an institution or institutions as a means of making a commercial loan. In such case, the City Council authorizes the Authorized Officers to distribute the Official Notice of Sale to prospective purchasers of the Bonds and award the Bonds on the basis of the terms and conditions contained therein. The Bonds shall be issued as single or multiple Bonds, with or without CUSIP identification. The purchaser of the Bonds shall execute an investor letter to the City acknowledging its purchase of the Bonds as a means of making a commercial loan.
- (b) *Competitive Public Offering.* The Bonds may be sold in the public capital markets to an underwriter for the purpose of reselling such Bonds. In such case, the City Council hereby authorizes the Authorized Officers to prepare, or cause to be prepared, a Preliminary Official Statement and distribute the Preliminary Official Statement and the Official Notice of Sale to prospective purchasers of the Bond. The City Council authorizes the Authorized Officers to designate the Preliminary Official Statement as “final” for purposes of Rule 15c2-12 of the United States Securities and Exchange Commission. The Authorized Officers are further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser.

Section 5.03 Authorization to Negotiate Sale in Certain Circumstances

The Authorized Officers may negotiate the sale of the Bonds directly with a purchaser in either of the following circumstances:

- (a) In the event no bids are received or in the event all bids are rejected in accordance with Section 11-27-40(9)(c) of the South Carolina Code.
- (b) Should the Bonds be sold as a Series in an amount not exceeding \$1,500,000 and mature not later than ten years from their date of issuance, the sale of such Series of Bonds may be negotiated at private sale at an interest rate to be agreed to by an Authorized Officer and the purchaser of the Bonds. In negotiating the sale of the Bonds, an Authorized Officer is authorized to solicit bids from qualified lenders for the purchase of the Bonds and the award of any such solicitation shall be made under the same standards as provided in Section 5.01(a) above. If the Bonds are sold under the provisions of this section, notice of the sale of the Bonds meeting the requirements of 11-27-40(4) of the South Carolina Code shall be given not less than seven days prior to delivery of the Bonds.

[End of Article V]

ARTICLE VI

DISPOSITION OF PROCEEDS OF SALE OF BONDS

Section 6.01 Disposition of Bond Proceeds Including Temporary Investments

The proceeds derived from the sale of the Bonds shall be paid to the City, and are hereby appropriated to be applied as follows:

- (a) to pay the principal of and interest on any then outstanding BAN issued pursuant to this Ordinance when it is redeemed or otherwise matures,
- (b) any net premium shall be placed in the sinking fund and any accrued interest shall be used to pay the first interest to become due on the Bonds, and
- (c) the remaining amount shall be deposited in a separate account, and shall be expended and made use of by the City Council to defray the costs of the Project described in Section 1.01 hereof, and to pay the costs of issuance of the Bonds.

Pending the use of proceeds as provided above, the same shall be invested and reinvested by the City in Authorized Investments. All earnings from such investments shall be applied, at the direction of an Authorized Officer, either (1) to defray the cost of the undertakings for which the Bonds are issued and if not required for this purpose, then (2) to pay the next Bond Payment then falling due on the Bonds; if any balance remains, it shall be held by the City in a special fund, invested by an Authorized Officer in Government Obligations and other Authorized Investments, with a yield not in excess of the yield on such Bonds and used to effect the retirement thereof.

Neither the purchaser nor any Holder of the Bonds shall be liable for the proper application of the proceeds thereof.

[End of Article VI]

ARTICLE VII

DEFEASANCE OF BONDS

Section 7.01 Discharge of Ordinance - Where and How the Bonds are Deemed to Have Been Paid and Defeased

If the Bonds and the interest thereon shall have been paid and discharged, then the obligations of the City under this Ordinance and all other rights granted hereby shall cease and determine (other than with respect to the registration and transfer of Bonds and the delivery of such notices to the registered owners thereof as may be required by this Ordinance). A Bond shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances:

(a) a Fiduciary shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of all Bond Payments due thereunder; or

(b) if default in the payment of the Bond Payments due thereunder shall have occurred on any Bond Payment Date, and thereafter tender of such payment shall have been made, and at such time a designated Fiduciary shall hold in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(c) if the City shall elect to provide for the payment of the Bonds prior to their stated maturity and shall have deposited with a Fiduciary, in an irrevocable trust, moneys which shall be sufficient, or Government Obligations, the principal of and interest on which when due will provide moneys, which together with moneys, if any, deposited with such Fiduciary at the same time, shall be sufficient to pay when due the Bond Payments due and to become due thereunder, together with any redemption premium applicable thereto.

Neither the Government Obligations nor moneys deposited with any Fiduciary pursuant to this Section nor the Bond Payments thereon shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the Bond Payments and redemption premium, if any, on the Bonds; provided that any cash received from such principal or interest payments on Government Obligations deposited with the Fiduciary, if not then needed for such purpose, shall to the extent practicable be invested and reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the Bond Payments and redemption premium, if any, to become due on the Bonds on and prior to the Bond Payment Dates thereof, and interest earned from such reinvestments not required for the payment of the Bond Payments and redemption premium, if any, may be paid over to the City, free and clear of any trust, lien or pledge.

[End of Article VII]

ARTICLE VIII

CERTAIN TAX AND DISCLOSURE MATTERS

Section 8.01 Tax Covenants

The City hereby covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the Code, and to that end the City agrees to:

- (a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bonds are Outstanding;
- (b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the time and places required by the Code.

The City further covenants that it shall not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includible in the gross income of the Bondholders for federal income tax purposes pursuant to the provisions of the Code and the regulations promulgated thereunder in effect on the date of original issuance of the Bonds.

Section 8.02 Continuing Disclosure

The City hereby covenants and agrees that it will comply with and carry out (i) to the extent the Bonds are sold in the public markets, all of the provisions of a continuing disclosure undertaking, executed by an Authorized Officer and dated the date of delivery of the Bonds, which will meet the requirements of Rule 15c2-12 promulgated by the United States Securities and Exchange Commission, and (ii) all of the provisions of Section 11-1-85 of the South Carolina Code, which requires, among other things, that the City file with the Municipal Securities Rulemaking Board's Electronic Municipal Market Access (EMMA) system, a copy of its annual independent audit within 30 days of its receipt and acceptance and, when requested, event-specific information, within 30 days of an event adversely affecting more than 5% of its revenues or 5% of its tax base.

[End of Article VIII]

ARTICLE IX

BORROWING IN ANTICIPATION OF BONDS

Section 9.01 Generally

Pursuant to the BAN Act, there may be issued from time to time, at the discretion of an Authorized Officer, bond anticipation notes ("**BANs**") in aggregate principal amount not exceeding \$2,700,000 in anticipation of the issuance of the Bonds. If BANs are issued and if, upon the maturity thereof an Authorized Officer should determine that it would be in the best interest of the City to renew or refund the BANs, they are authorized to renew or refund the BANs from time to time until an Authorized Officer determines to issue the Bonds, and the Bonds are issued.

Without limiting the generality or specifics of any other provision in this Ordinance, the term "Bonds" as used in Articles VI, VII, VIII, and X shall include BANs.

Section 9.02 Terms of BANs

The BANs shall be dated and bear interest from their date of issuance or from such other date or dates as may be agreed to by the City and the purchaser thereof, payable upon the stated maturity thereof and shall mature on such dates as determined by an Authorized Officer, provided that no BAN shall mature on a date which is later than one year following the issuance thereof. Interest on the BANs shall be calculated on the basis of a 360-day year of twelve 30-day months. The BANs shall be payable, both as to principal and interest, in legal tender upon maturity, at the principal office of the Paying Agent. The BAN may be issued as a draw-down obligation with interest beginning to accrue thereunder as amounts are advanced from the purchaser. The BANs may be issued in denominations of \$1,000 and integral multiples thereof. The BANs shall be executed and sealed in the name and on behalf of the City in the same manner as the Bonds. BANs bearing the manual or facsimile signature of any Person who shall have been such an Authorized Officer at the time such BANs were so executed shall bind the City notwithstanding the fact that he may have ceased to be such Authorized Officer prior to the authentication and delivery of such BANs or was not such Authorized Officer at the date of the authentication and delivery of the BANs.

Section 9.03 Paying Agent and Registrar for BANs; Place and Time of Payment

The City shall serve as Paying Agent for the BAN, and the payments shall be made by the Paying Agent to the Person appearing on each Record Date on the Registry Books held by the City as Registrar, as provided in Section 3.06 hereof, as the registered owner thereof, by check or draft mailed from the City to such registered owner at his or her address as it appears on such registration books in sufficient time to reach such registered owner on the payment dates. Payment of the final payment on the BAN shall be made when the same is due and payable upon the presentation and surrender for cancellation of the BAN at the administrative office of the City, or upon such other condition or indicia of satisfaction as may be mutually agreed-upon by the City and the purchaser of the BAN.

Section 9.04 Sale of BANs

The BANs may be sold at public or private sale. Bids therefor shall be received until such time and date to be selected by an Authorized Officer. Notice of sale of the BANs shall be given in a manner determined by an Authorized Officer. Upon receipt of bids for the BANs, an Authorized Officer shall, and is hereby authorized to, award the BANs to the bidder offering the lowest interest cost therefor, the method of calculation of which shall be set forth in the notice of sale and determined at an Authorized Officer's discretion, without further action on the part of the Authority if an Authorized Officer shall determine that it is in the interest of the City to make such award.

Section 9.05 Form and Execution of BANs

The BANs shall be issued in physical form registered the name of the Holder with such terms and conditions, not inconsistent with this Ordinance, as shall be determined by an Authorized Officer. No BAN shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless there shall be endorsed on such BAN a certificate of authentication duly executed by the manual signature of the Registrar and such certificate of authentication upon any BAN executed on behalf of the City shall be conclusive evidence that the BAN so authenticated has been duly issued hereunder and that the Holder thereof is entitled to the benefit of the terms and provisions of this Ordinance. The BAN shall be in substantially the form attached as Exhibit B, with such amendments as may be authorized by an Authorized Officer.

Section 9.06 Exchange and Transfer of BANs

Conditions as to ownership, exchange, transfer, replacement and payment of BANs shall be as provided for Bonds herein, except as expressly provided in this Ordinance to the contrary.

Section 9.07 Optional Redemption of BANs

The BANs may, at the discretion of an Authorized Officer, be subject to redemption prior to their stated maturity, on such terms and conditions as an Authorized Officer may prescribe, except that the maximum premium to be paid for prior redemption shall not exceed one-half of one per centum (1/2%).

Section 9.08 Security for BANs

For the payment of the principal of and interest on the BANs as the same shall fall due, the full faith, credit, and taxing power of the City shall be pledged. In addition thereto, so much of the principal proceeds of the Bonds when issued shall and is hereby directed to be applied, to the extent necessary, to the payment of the BANs; and, further, the City covenants and irrevocably pledges to effect the issuance of the Bonds or, in the alternative, to refund or renew Outstanding BANs in order that the proceeds thereof will be sufficient to provide for the retirement of any BANs issued pursuant hereto. Pursuant to Section 11-17-30 of the South Carolina Code, nothing shall prevent the City in its discretion from appropriating other legally available funds to the payment of the principal of and interest on the BAN, consistent with the foregoing.

Section 9.09 Application of BAN Proceeds

Proceeds from the sale of the BANs shall be applied in the manner as provided by Section 6.01 herein for Bonds.

Section 9.10 Tax Exemption for BANs

Both the principal of and interest on the BANs shall be exempt from all State, county, municipal, school district, and all other taxes or assessments imposed within the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except estate or other transfer taxes, and certain fees or franchise taxes.

[End of Article IX]

ARTICLE X
MISCELLANEOUS

Section 10.01 Savings Clause

If any one or more of the covenants or agreements provided in this Ordinance should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this Ordinance.

Section 10.02 Successors

Whenever in this Ordinance the City is named or referred to, it shall be deemed to include any entity, which may succeed to the principal functions and powers of the City, and all the covenants and agreements contained in this Ordinance or by or on behalf of the City shall bind and inure to the benefit of said successor whether so expressed or not.

Section 10.03 Ordinance to Constitute Contract

In consideration of the purchase and acceptance of the Bonds and the BAN by those who shall purchase and hold the same from time to time, the provisions of this Ordinance shall be deemed to be and shall constitute a contract between the City and the Holders from time to time of the Bonds and the BAN, and such provisions are covenants and agreements with such Holders which the City hereby determined to be necessary and desirable for the security and payment thereof. The pledge hereof and the provisions, covenants, and agreements herein set forth to be performed on behalf of the City shall be for the benefit, protection, and security of the Holders of the Bonds and the BAN.

Section 10.04 Filing of Copies of Ordinance

Copies of this Ordinance shall be filed in the offices of the Clerk of the City and in the office of the Clerk of Court of Charleston County, South Carolina (as a part of the Record of Proceedings for the Bonds).

Section 10.05 Further Action by Officers of City

The Authorized Officers and the Clerk are fully authorized and empowered to take the actions required to implement the provisions of this Ordinance and to furnish such certificates and other proofs as may be required of them. In the absence of any officer of the City Council herein authorized to take any act or make any decision, the City Administrator is hereby authorized to take any such act or make any such decision.

Section 10.06 Effective Date of Ordinance

This Ordinance shall take effect upon its second reading.

[End of Article X]

**DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF FOLLY BEACH, SOUTH CAROLINA ON THIS 10TH DAY OF MARCH
2020.**

(SEAL)

Mayor

ATTEST:

Municipal Clerk

First Reading: February 11, 2020
Second Reading: March 10, 2020

EXHIBIT A

FORM OF BONDS

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
CITY OF FOLLY BEACH
GENERAL OBLIGATION BONDS
SERIES 2020

No. R-1 \$[_____]

Registered Holder:

Principal Amount: _____ Dollars (\$_____)

THE CITY OF FOLLY BEACH, SOUTH CAROLINA (the "**City**"), a public body corporate and politic and a political subdivision of the State of South Carolina (the "**State**"), created and existing by virtue of the laws of the State, acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Holder named above or registered assigns, the Principal Amount stated above.

This bond is issued as part of an issue of general obligation bonds of the City, designated "General Obligation Bonds, Series 2020" (the "**Bonds**") in the aggregate principal amount of _____ Dollars (\$_____) for purposes authorized by and pursuant to and in accordance with the Constitution and statutes of the State of South Carolina, including particularly the provisions of Sections 5-21-210 through 5-21-500 and Section 11-27-40, Code of Laws of South Carolina 1976, as amended, and an ordinance (the "**Ordinance**") duly enacted by the City Council of the City (the "**Council**") on _____, 2020.

[Insert Redemption Provisions, if any]

The principal and interest on this bond shall be paid [by way of an equal _____ amortized payment] in the amount of \$_____ (each a "**Bond Payment**") due and payable on _____ [of each of the years 20__ through] 20__, inclusive [(the "**Bond Payment Dates**")]. This bond shall bear interest at the rate of _____% per annum, calculated on the basis of a 360-day year consisting of twelve 30-day months, payable on each _____ 1 and _____ 1 commencing _____, 20__ [(each a "**Bond Payment Date**")], from the date of this bond and shall be paid by way of the Bond Payments to the person in whose name this bond is registered at the close of business on the fifteenth day of the month next preceding each Bond Payment Date. The Bond Payments shall be payable by check or draft mailed at the times provided herein from the City to the person in whose name this bond is registered at the address shown on the registration books. The Bond Payments are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Clerk of Court of Charleston County, South Carolina and in the office of the Council.

For Bond Payments on the Bonds as the same become due and for the creation of such sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the City are hereby irrevocably pledged, and there shall be levied an *ad valorem* tax upon all taxable property located within the City sufficient to pay the Bond Payments until the Bonds are no longer Outstanding. Such levy shall be reduced to the extent that, at the time the amount of annual millage levy for the debt service is set, the City has available other amounts for the payment of amounts due on the succeeding Bond Payment Date and has deposited the same into the sinking fund established for the payment of the Bond Payment.

This bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer, or certain franchise taxes.

This bond is issued as a fully registered bond and is transferable, as provided in the Ordinance, only upon the registration books of the City kept for that purpose at the offices of the City by the registered Holder in person or by his or her duly authorized attorney upon (i) surrender of this bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his or her duly authorized attorney, and (ii) payment of the charges, if any, prescribed in the Ordinance. Thereupon a new fully registered bond of like interest rate and principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance. The City may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of the Bond Payment due hereon and for all other purposes.

For every exchange or transfer of this bond, the City may make a charge sufficient to reimburse itself for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer.

It is hereby certified and recited that all acts, conditions, and things required to exist, happen, and to be performed precedent to and in the adoption of the Ordinance and in the issuance of this bond in order to make the legal, valid, and binding general obligation of the City in accordance with its terms, do exist, have been done, have happened and have been performed in regular and due form as required by law; and that the issuance of this bond does not exceed or violate any constitutional, statutory, or other limitation upon the amount of indebtedness prescribed by law.

IN WITNESS WHEREOF, the City has caused this bond to be signed by the manual signature of the Mayor of the City, attested by the manual signature of the Municipal Clerk of the City, and the seal of the City impressed hereon.

**CITY OF FOLLY BEACH,
SOUTH CAROLINA**

(SEAL)

Mayor

Attest:

Municipal Clerk
City of Folly Beach, South Carolina

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____ the within
bond and does hereby irrevocably constitute and appoint attorney to
_____ transfer the within bond on the books kept for registration thereof, with full power of substitution in
the premises.

Dated: _____

Signature

(Authorized Officer)

Notice: The signature to the assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

EXHIBIT B

FORM OF BOND ANTICIPATION NOTE

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
CITY OF FOLLY BEACH
GENERAL OBLIGATION
BOND ANTICIPATION NOTE
SERIES 2020

No. ____

\$[_____]

Registered Holder:

Principal Amount: _____ Dollars (\$_____)

THE CITY OF FOLLY BEACH, SOUTH CAROLINA (the "**City**"), a public body corporate and politic and a political subdivision of the State of South Carolina (the "**State**"), created and existing by virtue of the laws of the State, acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Holder named above or registered assigns, the Principal Amount stated above on _____, 202_, and to pay interest on said Principal Amount at the rate of _____ per annum (calculated based upon a year of 360-days consisting of twelve 30-day months) payable at maturity of this Note. Both the principal of any interest on this Note are payable to the person in whose name this Note is registered at the address shown on the registration books. The Note payments are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Note is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including, particularly, the provisions of Title 11, Chapter 17, Title 5, Chapter 21, and Section 11-27-40, of the Code of Laws of South Carolina 1976, as amended, and in accordance with an ordinance (the "**Ordinance**") duly enacted by the City Council of the City (the "**Council**") on _____, 2020.

This Note is a general obligation of the City and is issued in anticipation of and payable, both as to principal and interest, from the proceeds of the not exceeding \$2,700,000 of general obligation bonds of the City authorized by the Ordinance (the "**Bonds**"), or if said Bonds are not issued prior to the stated maturity of this Note, from the sale, issuance, and delivery of an issue of renewal or refunding general obligation bond anticipation notes; and is secured by a pledge of the full faith, credit and taxing power of the City.

[This Note is subject to redemption prior to maturity at the option of the City upon 30 days written notice at [par] plus accrued interest to the redemption date.]

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Clerk of Court of Charleston County, South Carolina and in the office of the Council.

This Note and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer, or certain franchise taxes.

For every exchange or transfer of this Note, the City may make a charge sufficient to reimburse itself for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions, and things required to exist, happen, and to be performed precedent to and in the enactment of the Ordinance and in the issuance of this Note in order to make the legal, valid, and binding general obligation of the City in accordance with its terms, do exist, have been done, have happened and have been performed in regular and due form as required by law; and that the issuance of this Note does not exceed or violate any constitutional, statutory, or other limitation upon the amount of indebtedness prescribed by law.

IN WITNESS WHEREOF, the City has caused this Note to be signed by the manual signature of the Mayor of the City, attested by the manual signature of the Municipal Clerk of the City, and the seal of the City impressed hereon.

CITY OF FOLLY BEACH,
SOUTH CAROLINA

(SEAL)

Mayor

Attest:

Municipal Clerk
City of Folly Beach, South Carolina

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

Note and does hereby irrevocably constitute and appoint _____ the within

attorney to
transfer the within Note on the books kept for registration thereof, with full power of substitution in
the premises.

Dated: _____

Signature

(Authorized Officer)

Notice: The signature to the assignment must
correspond with the name of the registered
owner as it appears upon the face of the within
Note in every particular, without alteration or
enlargement or any change whatever.



CITY OF FOLLY BEACH

1st Reading: February 11th, 2020

2nd Reading:

Introduced by: Mayor Goodwin

Date: February 11th, 2020

ORDINANCE 02-20

AN ORDINANCE AMENDING CHAPTER 95 (ANIMALS) SECTIONS 95.02 (KEEPING CERTAIN ANIMALS PROHIBITED; EXCEPTIONS) AND 95.06 (RIDING HORSES) TO CLARIFY THAT HORSES MAY NOT BE RIDDEN WITHIN CITY LIMITS.

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

SECTION 95.02 KEEPING CERTAIN ANIMALS PROHIBITED; EXCEPTIONS.

(A) It shall be unlawful for any person to keep ~~or use~~ within the city limits any horse, mule, cow, genet, swine, domestic fowl, goat or cattle of any description, except as provided for in division (B) below.

(⁹⁵ Code, § 6-3-2)

(B) (1) Any resident or property owner who keeps an animal or animals described in division (A) above on the effective date of this chapter shall be notified by a registered letter of the provisions of this chapter, and the property owner shall be given a period of 60 days to remove the animal or animals so as to comply with the provisions of division (A) above. Failure to comply with the provisions of division (A) above within 60 days from the receipt of the notice shall constitute a violation of this chapter, and each day thereafter shall constitute a separate offense. Any person who on the effective date of this chapter is in violation of the chapter may apply to the City Council for permission to keep the animal or animals.

(2) (a) The application to City Council shall include information as to the facilities for the proper and humane care and treatment of animal or animals, type or shelter provided for the animal or animals, and method for maintaining the area in a sanitary manner so as to remove health hazards.

(b) Council shall judge each separate application, provided, however, that the stable area or primary living area of the animal or animals is not within 105 feet of any building owned or occupied by persons other than the owner of the animal or animals.

(c) The permit may, at any time, be revoked by Council, upon 30 days notice, if the Council determines, after providing the owner an opportunity for a hearing, that the conditions on which the permit was issued has been violated.

(3) It is the purpose of this section that none of the animals described in division (A) above shall be henceforth brought into the city or kept or maintained within the city, except as provided in this section.

(4) It is the further intent of the City Council that any existing use of land for the purpose of keeping the animals within city limits shall be discontinued upon their death.

(`95 Code, § 6-3-3) (Ord. 89-2, passed 11-17-89; Am. Ord. 07-99, passed 2-16-99) Penalty, see § 10.99

SECTION 95.03 MANNER OF KEEPING AND MAINTAINING ANIMALS.

All animals shall be kept and maintained in a manner as to not injure, interfere with or disturb the property, peace, comfort, health, safety or general welfare of any person within the city. No animal shall be kept confined or tied by rope, chain or wire that is less than 12 feet in length and must allow pet access to shelter, food and water without becoming entangled.

(`95 Code, § 6-3-4) (Ord. 89-2, passed 11-17-89; Am. Ord. 07-99, passed 2-16-99) Penalty, see § 10.99

Cross-reference:

Protection of loggerhead sea turtles, see §§ 151.45 through 151.49

SECTION 95.04 CRUELTY PROHIBITED.

(A) It shall be unlawful for a person to override, overdrive, overload, torture, torment, deprive of necessary sustenance or shelter, cruelly beat, mutilate or cruelly kill an animal or cause, procure or allow the same to be done, or cause, encourage or allow any animal to attack, fight or harm an animal.

(B) Any person, intentionally, knowingly or recklessly, who leaves an animal unattended and confined in a vehicle whereby physical injury or death of said animal is likely to result shall be guilty of a violation of this chapter.

(`95 Code, § 6-3-5) (Ord. 89-2, passed 11-17-89; Am. Ord. 07-99, passed 2-16-99; Am. Ord. 14-03, passed 7-29-03) Penalty, see § 10.99

SECTION 95.05 BIRD SANCTUARY.

(A) Certain territory embraced within the city or the police jurisdiction thereof, is hereby declared to be a bird sanctuary.

(B) It shall be unlawful to kill, maim or injure any wild or migratory bird or to destroy or to rob or molest eggs or nests in breeding places of any birds.

(`95 Code, § 6-3-6) (Ord. 89-2, passed 11-17-89; Am. Ord. 07-99, passed 2-16-99) Penalty, see § 10.99

SECTION 95.06 RIDING HORSES.

~~—It shall be unlawful for any person to ride, or the owner to permit to be ridden, horses in the city in the night time. It shall be unlawful for any person to ride, or the owner to~~

~~permit to be ridden, a saddle horse on the front beach between April 1 and October 1 or on Center Street at any time.~~

ADOPTED this _____ day of _____, 2020, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor



CITY OF FOLLY BEACH

Introduced by: Mayor Goodwin
Date: February 11th, 2020

RESOLUTION 08-20

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL ADOPTING THE CITY OF FOLLY BEACH 2020 REVISION TO THE FIVE-YEAR STRATEGIC PLAN.

WHEREAS, In order to set priorities to meet the City's long-term needs and manage staff time and budget requests, the City of Folly Beach establishes a Strategic Plan; and

WHEREAS This Strategic Plan must be regularly evaluated and revised to effectively establish and guide these priorities; and

WHEREAS, City Council has held a Strategic Planning Work Session on January 8th, 2020 to amend the Plan; and

WHEREAS, The attached Plan summarizes City's mission, legislative priorities, and strategic budget items for the next five years.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Folly Beach, South Carolina, adopts the 2020 revisions to the City of Folly Beach Five-Year Strategic Plan.

RATIFIED this 11th day of February 2020, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach 2020 Strategic Plan

Vision Statement

The City of Folly Beach aspires to be an eclectic and relaxed community centered around the livability of residents and families while welcoming visitors. We will stand as leaders in environmental protection and resilience while building on a foundation of fiscal responsibility.

Mission Statement

As a full-service Municipal government; we use efficiency, transparency, fiscal responsibility, and professionalism to preserve the quality of life for residents, protect the environment, and accommodate visitors.

Top Legislative Priorities for 2020-2021 Fiscal Year

1. Beach Preservation
2. Water Capital
3. Drainage
4. Pedestrian Safety
5. Paid Parking Expansion
6. Resilience
7. Fund Balance
8. Traffic
9. City Hall

Department	Category	Priority	Status	Comments / Details	Project Manager	2020-21	2021-22	2022-23	2023-24	2024-25
Beach	Operational	H	Ongoing	Public Walkover Retreat/Extension for Dune Preservation	Wetmore, Lutz	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Beach	Reserve	H	0%	Engineer, Permit, Construct Groins, Phase I	Wetmore		\$145,000 (extend E)	\$2 million (construct)	\$ -	\$ -
Beach	Reserve	H		Saving for Renourishment	Wetmore, Gessner	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000
Util	Capital	H	25%	Water Main Replacement	Gessner, Sullivan, Wetmore	\$4 million			\$4 million	
Util	Capital	H	0%	Automated Meter Readers: Phased Program	Sullivan	\$ 60,000	\$ 60,000		\$ -	
Util	Capital	H	25%	Backup Water Source	Gessner, Sullivan, Wetmore	\$1.3 million				
PW & Facil	Capital	H	50%	Ped Safety: Path & Crosswalks Concept plan (100%), Engineer (in progress), Construct	Lutz, Pope, Wetmore	\$800,000 Bond				
PW & Facil	Capital	H	25%	City Hall Renovation	Lutz, Gessner, Wetmore	\$1.5mil Bond				
PW& Facil	Capital	H	Ongoing	Saving for Garbage Trucks	Lutz, Gessner, Wetmore	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000

Department	Category	Priority	Status	Comments / Details	Project Manager	2020-21	2021-22	2022-23	2023-24	2024-25
PW & Facil	Operational	H	0%	Traffic Studies: 4-way stops (2nd Sts), Arctic Avenue, Ashley Ave/Center intersection	Lutz, Gessner, Wetmore		\$ 50,000		\$ -	
PW & Facil	Reserve	H	100% (ongoing)	Garbage Trucks: Saving to replace next truck per fleet maintenance policy Target 2020-21	Lutz, Gessner	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
PS	Capital	H	ongoing	Cyclical Police Car Replacement	Gilreath	\$ 115,000	\$ 115,000	\$ 118,000	\$ 118,000	\$ 120,000
PS	Capital	H	5%	Saving for Fire Engine Replacement FY21 Target	Burke			\$2.3 Lease Purchase		
PS	Capital	H	ongoing	Police Car cyclical replacement per fleet maintenance policy	Gilreath	\$ 112,000	\$ 112,000	\$ 115,000	\$ 115,000	\$ 118,000
PS	Operational	H	85%	SC Accreditation	Gilreath	\$ -	\$ -	\$ -	\$ -	\$ -
IT	Capital/Operation	H		Automate Police-Court-Finance Software	Stransky					
IT	Operational	H		Security Cameras, Public Parks, City Hall	Stransky	\$ -	\$ -	\$ -	\$ -	\$ -
Admin	Personnel	H	ongoing	Employee Compensation Study	Wetmore, Battey, Gessner	\$ 66,415	\$ 68,407	\$ 70,459	\$ 72,573	\$ 74,750
Admin	Operational	H		Paid Parking Expansion	Gessner, Lutz					

Department	Category	Priority	Status	Comments / Details	Project Manager	2020-21	2021-22	2022-23	2023-24	2024-25
Admin	Operational	H		Emergency Fund: Target percentage of Budget with allocation criteria	Gessner					
Beach	Operational	M		Emergency Vehicle Access over concrete groins	Lutz					
Util	Capital	M		Save for Water Tower Replacement: 2040	Gessner, Sullivan	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
PW& Facil	Capital	M		River Park Improvements: Equipment, Turf, Landscaping	Wetmore, Lutz		\$ 100,000			
PW & Facil	Capital	M		Additional Street Light Upgrades	Lutz, Sullivan		\$ 50,000			
PW & Facil	Capital	M		Drainage Capital Projects	Lutz, Sullivan		\$300,000 bond	Stormwater Fund	Stormwater Fund	Stormwater Fund
PS	Operational	M		Study Paradmedic Response	Burke		Gather Costs		\$	
PS	Capital	M		Interoperability with Chas County CAD	Stransky, Gilreath, Burke					
PS/IT	Capital	M		Parking Ticket Writer & Camera	Stransky					
IT	Operational	M		Server Reconfiguration for GIS compliance	Stransky					

Department	Category	Priority	Status	Comments / Details	Project Manager	2020-21	2021-22	2022-23	2023-24	2024-25
Admin	Capital	M	10%	History Space	Eich, Gessner, Wetmore, Lutz					
Admin	Operational	M		Consider Resilience and Environmental Coordinator	Wetmore, Pope, Lutz					
Admin	Operational	M		Branding, Marketing, Family-friendly campaign, PR, Communication consulting	Jolley, Wetmore					
Admin	Operational	M		Abandoned Vessels Legislation	Wetmore, Pope					
Util	Capital	L	0%	SCADA: Remote pressure-reduction capability	Sullivan	\$ -	\$ -	\$ -	\$ -	\$ -
PW & Facil	Capital	L		Storage: Garage, 2nd floor records storage	Lutz, Gilreath					
PS	Capital	L		Marine Rescue Launch Site (Dry Dcok)	Gilreath	\$ -	\$ -	\$ -	\$ -	\$ -
Admin	Operational	L	2%	Employee Housing: Look at feasibility	Wetmore, Lutz, Gilreath, Battey				\$ -	
Admin	Operational	L		STR Inspection Certification: Property Maint, smoke detectors	Pope					

Department	Category	Priority	Status	Comments / Details	Project Manager	2020-21	2021-22	2022-23	2023-24	2024-25
Admin	Operational	L		Affordable Housing Study	Pope					