

CHARLESTON BEACH FOUNDATION
FREE CHARLESTON BEACHES

August 26, 2020

Via Mail & Email: csottile@sullivanisland.sc.gov

Mayor Patrick O'Neill
And All Town Council Members
Town of Sullivan's Island
2056 Middle Street
Sullivan's Island, SC 29482

Re: Restrictions on Access to Beaches and Parking

Dear Mayor O'Neill and Council Members:

By way of introduction, the Charleston Beach Foundation (the "Foundation") is a newly-formed South Carolina 501(c)(3) charitable organization, formed with the support of over 8,000 members of the social media Facebook group, Charleston Area Public Beach Access and Parking Group (the "Facebook Group").

The cause, events and actions which gave rise to both the formation of the Group and our Foundation were the recently-enacted emergency ordinances, and beach access and parking restrictions implemented against the general public including, but not limited to, taxpayers in Charleston County, by the beach towns of Folly Beach, Sullivan's Island and Isle of Palms. Each of these ordinances state that they were enacted in response to COVID-19 concerns.

Please be reminded that all beaches in our State are owned in trust by the State for members of the public, not just for the residents of the beach towns, and all beaches are subject to the South Carolina Beachfront Management Act which require the municipalities to provide public access to the beach.

The Foundation strongly objects to the continuation of the beach restrictions and requests that any and all beach restrictions be eliminated and allowed to expire with its present emergency ordinance on or before September 14, 2020.

The following provisions of Town of Sullivan's Island Emergency Ordinance 2020-14 should be eliminated based on grounds which include, but are not limited to, the following:

1. By prohibiting beach visitors to have a beach chair on the beach, Sullivan's Island is discriminating against the general public who, for health reasons, require a chair within which to sit. This includes the elderly, the frail, and those that have not received a handicapped designation from the South Carolina Department of Motor Vehicles, but are physically unfit for standing for long periods of time, walking great distances, or otherwise remaining on the beach without the benefit of a chair.

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2. By prohibiting shade devices on the beach, Sullivan's Island is discriminating against the general public who, for health reasons, require a shade device to protect them from the sun. This includes the very young, the elderly, the frail, and those that have sun sensitivity due to pigment, skin cancer, and other conditions.
3. By issuing fines in the amount of \$100.00 for violations of the Emergency Ordinance 2020-14, Sullivan's Island is violating the South Carolina Constitution which prohibits excessive fines.

Not only are the restrictions listed above having a detrimental effect on the general public as it wishes to visit the beach, they are having a detrimental effect on Sullivan's Island businesses as beach visitors who would otherwise be going to Sullivan's Island to enjoy the beach, a meal, and other offerings by your businesses are choosing to go to another beach in order to avoid the unreasonable restrictions. Certainly, Sullivan's Island Town Council does not intend to inflict further financial or other harm during the pandemic on its businesses or citizens.

Further, now that schools and colleges are back in session, summer vacations are over, and the general public are less able to travel to the beach for recreational purposes, there are less people who have the ability to visit the beach and less reason to be concerned of crowding or social-distancing issues on the beaches¹.

Should the issues raised in this letter not be resolved in a timely fashion, the Foundation fully intends to pursue any and all remedies available at the local, county, state and federal level.

The Foundation's purpose is to allow the general public access to our State's beautiful beaches as has historically been the case, and to protect our beaches so that future generations may also do so. On behalf of our Foundation and all those who wish the same, please free our beaches.

Sincerely,



Lee Rowland

Director

cc: Charleston County Council

¹ We would argue that the only instances of crowding on the local beaches were caused by the restrictions on lots and spaces available within which to park, thereby causing concentration of beach visitors.