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May 5, 2020

The Honorable Tim Goodwin  
Mayor, City of Folly Beach  
21 Center Street, 2<sup>nd</sup> Floor  
Folly Beach, SC 29439

RE: City of Folly Beach - Emergency Ordinance restricting non-City residents travel and access to parks and beaches

Dear Mayor Goodwin:

On May 4, 2020, the City of Folly Beach ("City") passed an amendment to its emergency ordinance that, among other things, places travel, beach and park access, and overnight lodging restrictions on non-City residents. I wanted to formally express the concerns I raised to you on our call yesterday after your City council meeting. The County believes the City's action conflicts with Governor McMaster's Executive Orders ("E.O."): (1) E.O. 2020-28, on April 20, 2020, that rescinded the prohibition on access to public beach for recreational purposes, to include public waters; (2) E.O. 2020-30, on May 1, 2020, that rescinded the prohibition on short-term rentals, vacation rentals, or other lodging of operations; and (3) E.O. 2020-31, which lifted the Home or Work Order, and opened outdoor dining services as of Monday, May 4, at 12:01 a.m. (collectively the "Orders"). The Governor, after careful consideration and advice of medical experts is taking a very methodical, phased approach to protect the citizens of South Carolina, while moving towards the reopening of businesses. The Governor's Orders state that:

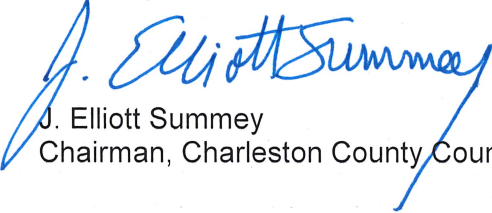
[T]o the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with [the Orders], [the Orders] shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

Although you indicated on our call that you believe the City has the right to deny non-residents access to the City, its public rights-of-way, and parks (which the County uses tax dollars to maintain, operate, and improve), the County believes the City's emergency ordinance is in conflict with the Governor's Orders and is, in fact, preempted by his Orders. Further, the County believes the decisions made by the City will likely have a negative impact on the economy, general welfare, and civil liberties of the residents of the County; and, therefore, these restrictions exceed your municipal authority.

In addition, as you know, the Charleston County Park and Recreation Commission ("PRC") owns and operates three public parks in the City. I understand that the PRC intends to open these parks to the public this week in light of the Governor's Orders. Notwithstanding your position regarding the disparate treatment of City and non-City residents, I write on behalf of the County, urging the City to rescind its action and allow all residents to enjoy the use of the public

beaches, parks, waterways, and dining/retail establishments in the City, as well as lifting the ban on short-term rentals. If the City is unwilling to rescind its emergency ordinance amendments, Charleston County will be forced to take legal action to undo these restrictions.

Sincerely,

  
J. Elliott Summey  
Chairman, Charleston County Council

cc: Members of City Council