

**SPECIAL CALL TOWN COUNCIL**  
**Municipal Center Council Chambers**  
**August 2, 2024, 1:00 pm**

Minutes

I. **Call to Order:** *Mayor Belt called the meeting to order at 1:00 pm.*

II. **Roll Call:**

**Present at the Meeting:** Bradley Belt, *Mayor*  
Russell Berner, *Mayor Pro Tem*  
Luke Farrell, *Council Member*

**Present Via Zoom:** Michael Heidingsfelder, *Council Member*  
Madeleine Kaye, *Council Member*  
Stephanie Tillerson, *Town Administrator*

**Also Present:** Mac McQuillin, *Town Attorney*  
Ross Appel, *Consulting Attorney*

III. **Citizens' Comments (Agenda Items Only):**

Mayor Belt noted that comments emailed to the council members would be included in the record.

**Lance Spencer – 40 Sunlet Bend, Inlet Cove**

Mr. Spencer expressed concerns about the potential impacts of pending development on property owners, including issues related to runoff, stormwater, traffic, and the impact of potential mediation on infrastructure. He emphasized the importance of adhering to existing agreements and ordinances intended to protect property owners' rights. He asked that as the Council considers future actions, they represent those property owners that could be potentially impacted. He also raised concerns about the administrative process not having been fully exhausted and the fairness of allowing one party to mediate compliance.

**Warren Lash – 256 Grass Garden Lane, Cassique**

Mr. Lash, the President of the Cassique Homeowners Association and representing the Kiawah Island Club members residing in Cassique, advocated for a compromise on the Cape Beach Club issue, suggesting a conditional certificate of occupancy to allow the club to open while addressing outstanding issues. He emphasized his community's willingness to assist in finding temporary solutions and the importance of balancing development with community interests.

**David Raffle – 45 Burroughs Hall**

Mr. Raffle, a new full-time resident of Kiawah Island, expressed concerns about a dispute involving the Cape Beach Club. He specifically mentioned a lack of clarity on the Town's position regarding the developer's obligations, particularly about providing 88 parking spaces. He sought clarification on the Town's expectations from the developer.

**Blake Darche - 181 Yellowthroat**

Mr. Darche criticized the Town's handling of zoning and property rights, arguing that the Town's change of stance on previously approved plans undermines trust in government and unfairly

burdens citizens. He highlighted the importance of consistency in zoning decisions to prevent future divisiveness. He called for accountability among town officials responsible for any zoning errors and emphasized the need for the town to address and rectify these issues to prevent similar problems in the future.

Mr. Darche also addressed concerns regarding the Town's inconsistent decisions on permits and projects, highlighting the negative impact on property owners, club members, and residents. The key issues discussed were the Town's reversal of approvals, the unfair treatment of Cape owners and Kiawah Island Club members, and specific problems like parking challenges at the Cape.

#### **Mike Tattersfield – 5142**

Mr. Tattersfield, a new Cape resident, expressed frustration with unmet promises and the need to address parking independently of future development plans. He urged the Town to resolve these issues to maintain trust and fairness in the community.

#### **Joseph Boggs – Building One – The Cape**

Mr. Boggs, a professional architect with 40 years of experience and a resident of The Cape, addressed the Council regarding the development project involving Kiawah Island Club Partners. He highlighted the concessions made by the developers, including the construction of a \$2-3 million parking lot across the street. He criticized the Council for restricting the opening of the club and restaurants, which would generate revenue to fund these concessions. He pointed out the negative impact of these restrictions on the property values of Cape residents, emphasizing the potential \$78 million loss in value due to litigation and restrictions. He suggested a solution involving the use of valet services to manage parking in the existing 148 spaces, allowing the restaurant to operate and avoiding litigation.

Mr. Boggs warned of the broader implications for the Town's reputation and the integrity of the permit process if the situation is not resolved amicably. He offered to help work out the logistics of his proposal at no cost and urged the council to consider a temporary permit.

#### **Jim Haggerty – 505 Bufflehead**

Mr. Haggerty, a resident and attorney with 45 years of experience, advocated for mediation over litigation regarding a zoning dispute involving the Town and Kiawah Partners. He emphasized the cost benefits of mediation and the potential for resolution without extensive legal fees, pointing out that litigation primarily benefits lawyers and suggesting that most cases, including this one, are resolvable through mediation.

Mayor Belt acknowledged ongoing tensions, particularly around parking and other outstanding zoning issues, and reiterated the Town's willingness to engage in discussions with the developer, Kiawah Partners. Discussions included the developer's reluctance to pursue administrative or statutory processes, the filing of two lawsuits by the developer against the Town and three Homeowner-Owner Associations, reaching a resolution through mediation, and a variance request by the developer, indicating a move towards resolution.

### **IV. New Business:**

#### **A. Discussion on Mediation Regarding Zoning Matters**

Mayor Belt announced a scheduled mediation session and expressed optimism for resolving key issues through dialogue and good-faith negotiations despite the complexity of the issues, including intertwined site plan approvals and zoning standards. He noted recent progress, which included the selection of a mediator and the scheduling of mediation sessions.

Council members discussed mediation, expressing various concerns and perspectives:

Mayor Pro Tem Berner highlighted his positive outlook based on his experience in construction litigation, believing that mediation could resolve disputes effectively.

Council Member Farrell emphasized the importance of trust in public servants, noting that legal advice sometimes restricts what can be shared publicly and urged patience and understanding from the community.

Council Member Heidingsfelder raised concerns about the communication of mediation efforts, the selection of a mediator, and the decision-making processes within the Council, having felt that he was left out of key discussions.

Council Member Kaye expressed concerns about understanding the full scope and who would be involved in the mediation process.

***Council Member Farrell made a motion to move into the Executive Session to receive legal advice protected by the attorney-client privilege concerning pending litigation. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.***

**V. Executive Session:**

**A.** Executive Session to Receive Legal Advice Protected by the Attorney-Client Privilege (S.C. Code Ann. 34-4-70-(a)(2)) Concerning Pending Litigation. The Council may take action after the Executive Session.

***Mayor Pro Tem Berner made a motion to return to the Regular Session. Council Member Farrell seconded the motion, and it was unanimously approved.***

Mayor Belt stated that no decisions or votes were made during the executive session.

***Council Member Farrell made a motion to authorize a team, including the Mayor, Mayor Pro Tem, and Town Planner, to attend negotiations the following week. Mayor Pro Tem Berner seconded the motion. Despite some concerns voiced by Council Members Heidingsfelder and Kaye, the motion was unanimously approved.***

Mayor Belt clarified the mediation process was non-binding, with any outcomes needing to be returned to the Town Council for further action along with the associated public process.

**VI. Council Member Comments:**

None

**VII. Citizens' Comments:**

**Blake Darche - 181 Yellowthroat**

Mr. Darche raised concerns about the mayor's involvement in the negotiations due to a lawsuit involving his Homeowners Association, suggesting a potential conflict of interest and requesting his recusal.

**Mike Chesterfield**

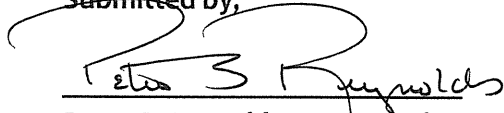
Mr. Chesterfield expressed concerns about parking issues and the feeling of being held hostage due to changes in parking agreements after signing. He highlighted an investment of \$300 million by Cape owners, emphasizing the need to separate the Cape's operational issues from other Town

development matters, and warned against the potential for further lawsuits if the issues are not addressed independently.

**VIII. Adjournment:**

*Mayor Pro Tem Berner made a motion to adjourn the meeting at 4:24 pm. Council Member Farrell seconded the motion, and it was unanimously approved.*

Submitted by,

  
Petra S. Reynolds, Town Clerk

9-11-2024  
Date