

**TOWN COUNCIL**  
**Municipal Center Council Chambers**  
**June 4, 2024, 1:00 pm**

**AGENDA**

I. **Call to Order:** *Mayor Belt called the meeting to order at 1:05 pm.*

II. **Pledge of Allegiance**

III. **Roll Call:**

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

**Also Present:** Stephanie Tillerson, *Town Administrator*  
Mac McQuillian, *Town Attorney*  
John Taylor, Jr., *Planning Director*  
Jim Jordan, *Wildlife Biologist*  
Brian Gottshalk, *Public Works Manager*  
Bruce Spicher, *Building Official*

IV. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of April 2, 2024

B. Minutes of the Town Council Meeting of May 7, 2024

***Mayor Pro Tem Berner made a motion to approve the minutes of the April 2, 2024, and May 7, 2024, Town Council meeting, with any comments being provided to the Town Clerk. Council Member Farrell seconded the motion, and it was unanimously approved.***

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

**Maura McIlvain – 146 Blue Heron Pond Road**

Ms. McIlvain addressed the Council regarding the second reading of the site plan review ordinance, which contains a section on improvements to the website and communications for better access to development proposals and project information. She praised the focus on making these more user-friendly. She also inquired about the rationale and utility behind the annual traffic counts and studies, questioning their continuation and funding.

Mayor Belt clarified that a more limited traffic count would be conducted periodically to establish a baseline for traffic patterns and flow, aiding in planning for road maintenance and other infrastructure needs rather than for mitigation purposes as done previously.

**Larry Wolahan – 406 Snowy Egret**

Mr. Wolahan's discussions covered a wide range of topics, including budget and expenditure concerns, the increase in costs versus income, adjustments made to the budget, SATAX (State Accommodations Tax) allocations, and specific allocations for various projects and expenses. His discussion also touched on issues related to parking, investment income, disaster damage assessment, and CERT (Citizen's Emergency Response Team).

**Brad McIlvain - 146 Blue Heron Pond Road**

Mr. McIlvain stated that there has been much talk about the need for civility. He raised his concerns about the civility of the people being appointed by the Council who have not shown civility.

## **VI. Updates:**

### **A. Mayor**

Mayor Belt commended the efforts of Town staff, including Public Safety, Public Works, and Barrier Island Ocean Rescue, in collaboration with KICA (Kiawah Island Community Association), the Resort, and the Club, in managing the 41,000 visitor count through the front gate during Memorial Day weekend. He highlighted that no incidents were reported, no issues were reported on the beach, traffic flowed as well as expected, and Trident Waste did a great job managing the trash on the beach.

Mayor Belt also commended the Communication and Public Safety teams for their work on a successful Disaster Awareness Day.

**Mayor Belt** provided updates as follows:

- The comment period on the county staff's recommendations regarding the Main Road Corridor Project—Segment C runs through June 14<sup>th</sup>, leaving less than two weeks to submit comments.
- No updates on Captain Sam's Spit since filing the lawsuit with KICA and the Conservancy on May 10<sup>th</sup>.
- Clarification of an issue in which a contractor felt compelled to pay fees to the ARB (Architectural Review Board) for fear that they would not be able to access the island.
- Beachwalker Projects: West End, Ocean Pines, and the Cape Point road extension and emergency beach access
  - The Planning Staff continues to review the site plans
  - Mr. Taylor has issued three sets of revised, refreshed, and updated comments on each of those three site plans that are available on the website.
- Clarification of the letter sent from the Kiawah Island Club to club members regarding a permanent certificate of occupancy not being issued for the Cape Club due to outstanding parking issues was provided to understand the issue and the process that must be adhered to moving forward.

### **B. Council Members**

**Mayor Pro Tem Berner** provided updates as follows:

- Updating and strengthening current dune ordinances to protect the dunes and nesting wildlife
- Enforcement of the current leash law ordinance
- Improving landscaping and repairs along Beachwalker Drive
- Investigating repairs to the flooding on the bike path on the Kiawah Island Parkway
- Kick-off of the Municipal Police Services Feasibility Study

**Council Member Heidingsfelder** provided updates as follows:

- The TOKI/ARB Workgroup has started phase three of its project, focusing on the implementation
- Business licence enforcement measures
  - auditing the largest contributor to business licenses to ensure accurate income statements
  - Business License Compliance
- Informational stickers are being placed on trash and recycle bins
- Household Hazardous Material event this week, on Thursday, at the Municipal Center from nine to 12 o'clock

**Council Member Kaye** provided updates as follows:

- Acknowledgment of the efforts and team composition of the ARB Workgroup, highlighting the complex assignments and the strong team involved, including members from KICA and the Town.
- Environmental Committee initiatives:
  - Beach walkover project - an ordinance that the sub-committee has drafted to go to the full Environmental Committee
  - Marsh Management sub-committee is focusing on pervious surfaces
  - Shorebird Protection/Leash Restraint Project
  - Bridge on the Parkway sub-committee
  - Loose materials ordinance being considered for first reading

- Collaboration with the Conservancy, including a podcast filmed on the marsh to raise public awareness about the importance, fragility, and complexity of the marsh.

Council Member Kaye emphasized the importance of staffing the Environmental Committee and subcommittees with knowledgeable, open-minded individuals capable of finding compromise solutions, especially for polarizing issues like pet restraint.

**Council Member Farrell** responded to Mr. Wolahan's earlier question about investments by stating that the Town is limited by state law, and treasuries are among the allowable investments. Later this month, the Town will issue an RFP for a consultant to examine the Town's investments.

Council Member Farrell responded to Mr. McIlvain's comment regarding civility, stating that of the five candidates interviewed for the Planning Commission, the candidate being put forth for approval brings a wealth of experience on and off the island. He noted that in his experience on the Commission, Mr. Dowdy, the Chairman, holds Commissioners to a high ethical standard and demeanor, and the meetings have been incredibly civil.

Council Member Farrell indicated that he will continue working with the Planning Commission on the Town's Comprehensive Plan.

Responding to Mr. Wolahan's earlier SATAX comment, Council Member Farrell stated he had been assigned to the SATAX Committee. His role, as explained, is to ensure that we're effectively redistributing taxes to support the island's tourist industry.

Council Member Heidingsfelder also responded to Mr. Wolahan's earlier SATAX comment by stating that this was a complex topic and the way Mr. Wolahan explained it was maybe a little bit misleading to the community. He engaged in a detailed clarification of where funding comes from, the Town acting as a caretaker of those funds, and the state law mandating the majority of the representatives on the SATAX Committee who do the work on recommending where the allocation of the funds that are targeted to increase the attendance of tourists to this island.

### C. Administrator

Ms. Tillerson indicated that Mr. Jordan would discuss SGAs (Second-Generation Anticoagulants), and Mr. Gottshalk would provide updates on current projects.

Mr. Jordan provided an update on the impact of second-generation anticoagulant rodenticides on wildlife on Kiawah Island, highlighting a concerning trend of increased exposure rates among raccoons and opossums, as well as a decline in bobcat survival rates. Despite initial success with the Bobcat Guardian program, which aimed to reduce the use of SGAs through community engagement and voluntary measures, recent data from 2024 indicates a resurgence in SGA exposure rates and levels. To address this issue, Mr. Jordan suggested re-engaging with the community, pest control companies, and property management. The discussion also touched on the need for continued education, especially for new homeowners and those unaware of the program's goals. The meeting concluded with plans to analyze the data further and discuss strategies at the upcoming environmental committee meeting.

The discussion focused on the impact of rapid development on the bobcat population, highlighting habitat loss as a significant factor. The current estimates suggest the area can support 25 to 30 bobcats, down from the historical 30 to 35. Mortality, particularly from vehicles and anticoagulant rodenticides, was identified as a primary concern. Efforts to mitigate this include the Bobcat Guardian program, which has seen engagement from pest control companies and homeowners pushing for safer practices. The program aims to educate and encourage the use of non-anticoagulant rodenticides, which do not accumulate in predators. Additionally, there was no observed increase in rodent populations following the shift to these alternatives.

Mr. Gottshalk provided updates on public works projects:

- Completion of the landscaping installation at the Parkway/Beachwalker intersection

- Near completion of the landscape improvements along Beachwalker Drive
- At the Parkway Bridge,
  - the rocks will be replaced in the gabion wall
  - at the pull-off, sand fencing and larger, heavy vegetation will be put in place along with additional efforts to protect marsh areas from damage.
- Bike path improvements to address standing water and root intrusion are a high-priority
- Trident Waste, the new solid waste contractor, has shown improvement in service, with fewer missed collections reported.

Discussion included the installation of proper signage at the Parkway/Beachwalker intersection, efforts to prevent kayak launching in sensitive marsh areas, the potential use of Mingo Point as a kayak launch, and the lighting of the entrance sign are scheduled for completion next week, with both the boring company and electrician confirmed.

Mayor Belt mentioned the plans for screening landscaping in front of the general store and gas station, with Mr. Gottshalk confirming a quote already obtained. Additionally, Mayor Belt indicated that he had received confirmation that enhancements would be made to the entrance to the KICA administration facility on Beachwalker Drive.

Ms. Tillerson also acknowledged Ms. Pomrenke and Director Harris on the success of Disaster Awareness Day, which saw about 65 attendees.

Mayor Belt expressed appreciation for the community's engagement and the Council's hard work on various projects.

## VII. Old Business:

### A. To Consider Approval of **Ordinance 2024-08** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning Ordinance Article II. Zoning, Division 3. Use Regulations, Sec. 12-106. – Temporary Uses to further refine temporary uses - **Second and Final Reading**

Mr. Taylor discussed the amendments to the temporary use ordinance since the first reading, highlighting a separate review process for off-site projects, allowing the removal of minor vegetation, and that the site should be repaired according to preexisting conditions. He also pointed out that an applicant would be required to upload pre- and post-pictures as part of the application process.

**Council Member Heidingsfelder made a motion to approve the second and final reading of Ordinance 2024-08. Council Member Berner seconded the motion.**

The Council Members debated specifics regarding the removal of trees, saplings, and vegetation, aiming to clarify definitions and ensure proper site restoration post-use, what constitutes a temporary use, and permanent alteration, suggesting amendments to provide specificity in the definition of tree size as larger than two inches in diameter. Also discussed were language modifications; the removal of trees or vegetation is prohibited unless replaced with a similar kind and size after the temporary use, and the Planning Director would have the discretion to approve the removal of a tree larger than two inches in diameter if the property owner restores to a pre-existing condition.

**Council Member Berner made a motion to amend the ordinance to both the parenthetical after there were trees as well as to allow the Mayor, Town Attorney and Planning Director to include additional language that would provide the Planning Director the flexibility to allow for the removal of trees of greater than two-inch caliber is defined to the extent that they are replaced by like kind. Council Member Kaye seconded the motion, and it was unanimously approved.**

**Council Member Heidingsfelder made a motion to approve the second and final reading of Ordinance 2024-08 as amended. Council Member Kaye seconded the motion, and it was unanimously approved.**

### B. To Consider Approval of **Ordinance 2024-09** - An Ordinance to Amend Sec. 12-162. – Site Plan Review to Modify Review Procedures.- **Second and Final Reading**

Mr. Taylor reviewed the changes following the first reading, which included a reduction in the threshold for dwelling units from eight to no more than seven, revising the Planning Commission's role to review and comment, and the Planning Director's purview remaining review and approval based on code regulations, plats, and Comprehensive Plan.

**Council Member Farrell made a motion to approve the second and final reading of Ordinance 2024-09. Council Member Heidingsfelder seconded the motion.**

**Following the clarification that the ordinance applies to multiple-unit dwellings, the motion was unanimously approved.**

**C. To Consider Approval of Ordinance 2024-10 - An Ordinance To Adopt The Fiscal Year 2024-2025 Budget For The Town Of Kiawah Island (7/1/24 Through 6/30/25) - Public Hearing and Second and Final Reading**

**Council Member Heidingsfelder made a motion to open the Public Hearing for ordinance 2024-10. Council Member Kaye seconded the motion, and it was unanimously approved.**

No public comments were made.

**Council Member Heidingsfelder made a motion to close the Public Hearing for ordinance 2024-10. Council Member Berner seconded the motion, and it was unanimously approved.**

Ms. Szubert stated that at the first reading, comments and questions resulted in adjustments to reduce expenditures by approximately \$684,000 to address the main concern that the expenditures are growing faster than the revenues. The revised budget presented has total revenues of \$15.5 million, expenditures of \$14.2 million, and a surplus of \$1.3 million.

**Council Member Heidingsfelder made a motion to approve the second and final reading of Ordinance 2024-10. Council Member Berner seconded the motion.**

Discussions include a very concerning trend analysis showing revenue decreasing and the need to double-check that any new expenditures are justified. This highlights the importance of monitoring finances closely and considering revenue adjustments if necessary. The budget aims for a surplus and includes conservative revenue estimates and provisions for significant expenditures to be individually approved by the Council.

Throughout the discussion, the Council emphasized the need for careful financial management, the importance of clear definitions in ordinances, and the flexibility to adapt regulations and budgetary measures as needed.

**Following the discussion, the motion was unanimously approved.**

#### **VIII. New Business:**

**A. To Consider Approval of Ordinance 2024-13 - An Ordinance to Amend Chapter 12- Land Use Planning and Zoning Ordinance Article II. – Zoning, Division 1. - Gennerally Sec. 12-31. - Impact Fees to Further Define Impact Fee Assessment Studies for Potential Levied Impact Fees – Public Hearing and First Reading**

Mr. Taylor stated that the Planning Commission recommended amending the zoning code to address impact fees. He explained that South Carolina has a robust impact fee process, and this recommendation is not intended to cause the Town to begin levying any impact fees; it is intended to provide an understanding of which impacts would be set as priorities. The changes being made would provide a framework for assessing impact fees related to traffic, environmental, and stormwater impacts as priorities the Town would be focused on if it begins to evaluate a process for impact fees.

**Council Member Berner made a motion to open the Public Hearing for ordinance 2024-10. Council Member Kaye seconded the motion, and it was unanimously approved.**

No public comments were made.

**Council Member Heidingsfelder made a motion to close the Public Hearing for ordinance 2024-10. Council Member Berner seconded the motion, and it was unanimously approved.**

**Council Member Heidingsfelder made a motion to approve the first reading of Ordinance 2024-13. Council Member Farrell seconded the motion.**

Council Members and Mr. McQuillian engaged in an in-depth discussion of the complexities and challenges of implementing impact fees, including the detailed and laborious process required by state statutes.

Ultimately, the Council was against the ordinance, citing concerns about its practicality and the potential for litigation.

**Following the discussion, the motion was unanimously disapproved, with all members voting “No.”**

**B. To Consider Approval of Ordinance 2024-14 - An Ordinance to Amend Article 14 - General Regulations, Chapter 5. - Rental Applications and Regulations, Section 14-506. – Notice of Rental Residence Rules and Regulations – First Reading**

**Council Member Heidingsfelder made a motion to approve the first reading of Ordinance 2024-14. Council Member Berner seconded the motion.**

Mr. Spicher stated that the property maintenance code requires an occupancy load for an individual bedroom and is based on the number of people in that bedroom. The ordinance was proposed to provide clarity and enforceability for property inspections, particularly in addressing the growing trend of built-in bunk beds in investment properties designed for short-term rentals.

Council Members engaged in an in-depth discussion of concerns about fire safety, room overloading, and the compliance and enforcement of these regulations in both rental and non-rental properties.

**Following the discussion, the motion was approved by a 4 to 1 vote, with Council Member Farrell voting “No.”**

**C. To Consider Approval of Ordinance 2024-15 - An Ordinance to Amend Article 9 - Building and Building Codes, Chapter 1. - General, Division 2. – Construction Documents - First Reading**

Mr. Spicher stated that the amendment addresses issues within the building code and construction documents. Concerns were raised about structural engineers not performing necessary calculations for wind, seismic, and soil conditions. This led to a decision to require structural calculations and geotechnical reports during the plan submittal phase to prevent generic designs.

**Council Member Farrell made a motion to approve the first reading of Ordinance 2024-15. Council Member Heidingsfelder seconded the motion.**

Council Members discussed the necessity and scope of geotechnical reports for different zones on the island under engineering and cookie-cutter calculations.

**Following the discussion, the motion was approved by a 4 to 1 vote, with Council Member Kaye abstaining.**

**D. To Consider Approval of Ordinance 2024-16 - An Ordinance to Amend Article 9 - Building and Building Codes, Chapter 2. – Administration, Division 6. - Violations, Section. 9-125. – Licensing Requirements – First Reading**

**Council Member Kaye made a motion to approve the first reading of Ordinance 2024-16. Council Member Farrell seconded the motion.**

Mr. Spicher stated that to comply with state law, the word “licensing” should be replaced with “registration.”

**Following minimal discussion, the motion was unanimously approved.**

**E. To Consider Approval of Ordinance 2024-17 - An Ordinance to Amend Article 9 - Building and Building Codes, Chapter 4. – Permits, Licenses, and Fees, Division 3. Fees, Section 9-127. – Refunds – First Reading**

**Council Member Heidingsfelder made a motion to table the first reading of Ordinance 2024-17. Council Member Berner seconded the motion, and it was unanimously approved.**

**F. To Consider Approval of Ordinance 2024-19 - An Ordinance to Amend Article 15, Chapter 2 –Offenses Against Public Peace to Establish Guidelines for the Management and Disposal of Loose Materials and Debris - First Reading**

**Council Member Farrell made a motion to approve the first reading of Ordinance 2024-16. Council Member Berner seconded the motion.**

Council Member Heidingsfelder stated that after observing many vehicles on the road losing debris while driving, a cover for the vehicles transporting materials was needed. Also, dumpsters at construction sites need to be covered when not in use to prevent debris from being blown out and littering the environment. The ordinance was recommended for approval by the Environmental Committee and aims to enforce cleanliness through communication and code enforcement.

Council Member discussed that the enforcement of vehicle coverings to prevent littering would begin with communication, with the suggestion to partner with KICA and station a code enforcement officer at the front gate to distribute informational packages to landscapers and identify businesses without licenses. The discussion then shifted to the specifics of a proposed ordinance requiring vehicles, especially those carrying loose materials, to have covers to prevent debris from escaping. Concerns were raised about the broad application of the ordinance to all vehicles, including personal ones, and the need to focus on commercial vehicles and trailers, which are more likely to transport materials that could become litter. Members debated the definition of "loose material" and the practicality of enforcing such a rule for minor cases, like a single empty can in a truck bed, highlighting the need for clear definitions and targeted enforcement to address the primary sources of litter without overly burdening residents or small vehicle owners.

**Council Member Heidingsfelder made a motion to amend the language of Section 5 Paragraph A, stating that the ordinance applies to all commercially used vehicles.**

Mayor Belt indicated that rather than a definition, it was more applicable in Section 15-216, adding the language: “This title of this section shall be applicable to commercial vehicles doing business on Kiawah Island” or language deemed appropriate.

**Council Member Kaye made a motion to amend Section 15-216 by adding the following language: “This title of this section shall be applicable to commercial vehicles doing business on Kiawah Island.” Council Member Farrell seconded the motion, and it was unanimously approved.**

**G. To Consider Approval of Ordinance 2024-21 - An Ordinance to Repeal Article 15, Chapter 3, Sec. 15-304. Carrying Concealed Weapon to Establish Revised Election Guidelines - First Reading**

**Council Member Berner made a motion to table the first reading of Ordinance 2024-21. Council Member Farrell seconded the motion, which was unanimously approved.**

**H. To Consider Approval of the New Building Services Fee Schedule**

Council Member Heidingsfelder stated that the proposed new building fee schedule was reviewed by the Ways and Means Committee and recommended for approval. He stated that the Committee members discussed building permit fees, noting that current fees are significantly lower than those in surrounding municipalities. A proposal was made to adjust these fees to be more in line with neighboring areas, with further consideration to create additional brackets for projects exceeding certain valuation thresholds to account for the increased workload on larger developments.

**Council Member Farrell made a motion to approve a recommendation from the Ways and Means Committee for the new Building Services fee schedule. Council Member Kaye seconded the motion.**

The Council Member discussion highlighted a concern over the low fees not covering the cost of inspection time and the lack of incremental costs for reinspection of fixtures. There was discussion on whether the fees adequately covered the costs, with the point being made that the overall revenue from building licenses and its contribution to the general fund.

**Following the discussion, the motion was unanimously approved.**

**I. To Consider Approval of the Amendment to the Contract with Tetra Tech, Inc. for Disaster Debris Monitoring Services**

Council Member Heidingsfelder introduced a recommendation from the Ways and Means Committee regarding the extension of a two-year contract for the FEMA (Federal Emergency Management Agency) required monitoring services in case of natural disaster-related debris removal. The contract applies only when services are used.

**Mayor Belt made a motion to approve a recommendation from the Ways and Means Committee of the amendment to the contract with Tetra Tech, Inc. for Disaster Debris Monitoring Services. Council Member Farrell seconded the motion.**

Council Members discussed the concerns about the one-sided nature of the vendor's contract, particularly regarding the lack of warranties and guarantees. They considered renegotiating the contract or seeking a new vendor if necessary.

**Council Member Heidingsfelder made a motion to table the approval of the amendment to the contract with Tetra Tech. Council Member Kaye seconded the motion, and it was unanimously approved.**

**J. To Consider Approval of the Amendment to the Arts and Cultural Events Council Charter**

Mayor Belt stated that the minor amendment to the Arts and Cultural Events Council's charter was to align its structure with other committees, appointing a Council Member as the chair instead of a staff member. Also, it was requested that the appropriate staff member be designated as the Staff Director.

**Council Member Kaye made a motion to approve the amendment to the Arts and Cultural Events Council Charter. Council Member Bener seconded the motion, and it was unanimously approved.**

**K. To Consider Approval of the Arts and Cultural Events Council Appointment**

**Council Member Kaye made a motion to approve the appointment of Mr. Ronald McCray to the Arts and Cultural Events Council. Council Member Bener seconded the motion, and it was unanimously approved.**

**L. To Consider Approval of the Planning Commission Appointments**

**Council Member Farrell made a motion to approve the appointment of Mr. John Connolly to the Planning Commission. Council Member Kaye seconded the motion.**

Mr. Taylor stated that five candidates were interviewed by an interview committee, which included Council Member Farrell. He highlighted Mr. Connolly's qualifications and the unanimous support from the interview committee.

***Following the discussion, it was unanimously approved.***

**M. To Consider approval of the Tree Preservation Board Appointments**

***Council Member Kayw made a motion to approve the appointment of Mr. Gregory Darris and Ms. Melissa Yeardon to the Landscape and Tree Preservation Board. Council Member Farrell seconded the motion.***

Mr. Taylor stated that the newly established Landscape and Tree Preservation Board had two vacancies. At the first meeting later this month, the Board will elect a chair and adopt the rules of procedure. Mr. Gregory Darris and Ms. Melissa Yeardon are recommended as resident members to fill the two vacancies.

***Following the discussion, it was unanimously approved.***

**N. Discussion of Main Road Corridor Segment C**

Council Members discussed the Main Road Corridor Segment C project, which involves lane widening, the addition of traffic circles, a multi-use pedestrian and bike trail, and the concerns raised about the impact on homes and grand trees.

During the discussion of the potential for a joint comment letter with Seabrook Island to Charleston County regarding road improvement plans, Members expressed a preference for the letter on behalf of the Town Council to emphasize road safety, preservation of grand trees, and support for the Urban Growth Boundary rather than focusing on growth.

**IX. Citizens' Comments:**

**Maura McIlvain – 146 Blue Heron Pond Road**

Ms. McIlvain expressed her appreciation of the Council's transparent and public decision-making process.

Ms. McIlvain provided additional comments on Council Member Farrell's response to Mr. Wolahan's concerns about investing funds in the state pool and the completion of the 2024 Comprehensive Plan. She also commented on the concerns raised about the enforcement of the property maintenance code, particularly regarding new homes with non-compliant bunk rooms. She raised concerns about the issue of selective enforcement and the challenge of addressing existing non-compliant properties that were discussed, with no clear solution presented.


**X. Council Member Comments:**

None

**XI. Adjournment:**

***Council Member Kaye made a motion to adjourn the meeting at 4:59 pm. Council Member Farrell seconded the motion, and it was unanimously approved.***

Submitted by,

  
Petra S. Reynolds, Town Clerk

1-3-2024  
Date