

TOWN COUNCIL
Municipal Center Council Chambers
November 5, 2024, 1:00 pm

Minutes

- I. **Call to Order:** *Mayor Belt called the meeting to order at 1:00 pm.*
- II. **Pledge of Allegiance**
- III. **Roll Call:**

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

Also Present: Stephanie Tillerson, *Town Administrator*
Boone Aiken, *Town Attorney*
Dorota Szubert, *Finance Director*
Jim Jordan, *Town Biologist*
John Taylor, Jr., *Planning Manager*
Michael Sosnowski, *Code Enforcement*
Trey Scott, *Mauldin Jenkins*
Dr. David Petersheim, *Barrier Island Free Medical Clinic*
Melissa Frank, *Barrier Island Free Medical Clinic*
Ryan Kunitzer, *Fire Chief, St. Johns Fire District*

IV. Approval of Minutes:

A. Minutes of the Town Council Meeting of October 1, 2024

Mayor Belt stated that Council Members had been provided with a copy of the minutes of the Town Council Meeting of October 1, 2024, and asked if there were any additional comments or changes to the minutes.

With no other comments, the minutes were accepted.

V. Citizens Comments (Agenda Items Only):

Adrian Kane, CEO of Charleston Home Builders Association

Mr. Kane stated that many in the building community had concerns about the dumpster covering ordinance, noting that the intent often has unintended consequences. Explaining some of the challenges faced with dumpster pickup and the ordinance as written, he advocated for builder collaboration, underscoring the importance of ongoing dialogue with the construction community to address ordinance challenges effectively.

Christopher Ibsen, owner of Dolphin Architects and Builders

Mr. Ibsen echoed Mr. Kane's concerns. He was eager to collaborate with the Town to resolve those issues and potential operational unintended consequences of the loose materials ordinance and the previous pavement ordinance.

Kara Crowell, 23 Arrowhead Hall and owner of Cinder Creek Construction

Ms. Kroll commented on the dumpster loose material ordinance, applauding the rewrite but noting that there was still work to be done. She emphasized better communication of the modifications made to the ordinance and consistency in enforcement and fines.

Mayor Belt acknowledged there were some practical, legitimately problematic issues with the ordinance, attributing the revised ordinance to the feedback received, stating that there will be a further opportunity to discuss substantively some of the issues raised.

Mayor Belt addressed the suggestion that the Town has an obligation to notify the business community about the consideration or implementation of ordinances; there were opportunities to engage with the Town during the first and second readings of the approval process, and issues regarding warnings and fines are being reviewed from an enforcement policy standpoint.

VI. Presentations:

A. Fiscal Year 2023/2024 Audit Presentation – Mauldin Jenkins

Mr. Scott, the partner who oversaw the audit, presented the 2024 audit results, reviewing the auditor's report, compliance report, financial statements, and a review of required communications.

Mr. Scott discussed the purpose of the financial audit, noting that the ACFR (Annual Comprehensive Financial Report) is the responsibility of the Town's management. The auditor's responsibility is to provide or express opinions on that financial information based on our audit. Mr. Scott stated that a clean, unmodified opinion was issued on the Town's financial statements and presented the financial position and the results of the Town's operations as of June 30, 2024.

Mr. Scott stated that the compliance report found no findings or significant issues, which is a testament to the hard work of management and the finance department, also praising the Town's highly engaged Audit Committee. He noted that the presented ACFR went above and beyond the minimum reporting requirements of a local government awarding the Town the GFOA (Government Finance Officers Association) Certificate of Achievement for the 20th consecutive year.

Providing an overview of the financial statements, Mr. Scott stated that the Town's financial health is strong, with over two and a half years of operating expenditures in fund balance and strong liquidity. The General Fund is primarily supported by building permits and licenses, not property taxes. There were no uncorrected misstatements or auditor-proposed adjustments. The Town's net position increased by \$6 million, reaching \$53.2 million.

Council Member Berner posed questions about evaluating the appropriateness of the accounting policies and whether the controls are proper. Mr. Scott clarified that any issues with the controls in place would have been reported via the management letter. Mayor Belt added that the audit did not include a separate internal control review, which is being considered for the future. Council Member Farrell indicated that the Audit Committee will be doing more work on the control issue.

Council Member Berner asked for clarification on the statement in the report indicating that “it is the opinion of management and legal counsel that these lawsuits are going to have a material impact on the Town” and “for each of the insurance programs and public entity risk pools in which the town participates, the town has effectively transferred all risk with no liability for unfunded claims.”

B. Barrier Island Free Medical Clinic

Ms. Frank discussed the services. Barrier Island Medical Clinic provides for uninsured adults who work on Kiawah Island and surrounding areas, including Charleston, Berkeley, and Dorchester counties. The clinic, located on Maybank Highway, serves those with household incomes up to 299% of federal

poverty limits. The clinic was founded in 2006 by Dr. Charlie Davis and Dr. Arthur Booth, who retired to Kiawah Island. They found there was a significant need for healthcare on the sea islands and came together with a vision of implementing low-cost, volunteer-driven medical care. The clinic offers free healthcare with over 67,000 patient visits. It provides primary care and 16 specialties, including orthopedics, dermatology, gynecology, urology, psychiatry, sleep apnea, rheumatology, nephrology, and ENT.

Dr. Peterseim emphasizes its role as a medical home, reducing emergency room visits. Located at 3226 Maybank Highway and partners with Roper St. Francis for referrals and free diagnostics. The Protect Prevent project supports vaccine payments. The volunteer-driven model ensures no charges, fostering healthier communities and stronger patient relationships. The clinic provides healthcare, focusing on tetanus vaccinations, diseases like hypertension and diabetes, and early retinal disease detection using a retinal camera.

Ms. Frank stated that the clinic is supported by donations and island fundraisers, including a fashion show and a golf tournament; the clinic operates without federal or state funding. With a small staff of 10 employees and over 120 volunteers, we currently serve over 120 patients. Just over 60% of our current active patient lists live in the 29455 zip code, including 120 patients who work as H2B visa employees of the Kiawah Island Golf Resort, with a significantly higher portion of patients working in various trade industries.

Dr. Peterseim indicated that they would like to expand services to the Tri-County, asking for help by raising awareness that the Clinic exists and that people don't have to have insurance. They seek more volunteers, especially medical professionals, and advocate for better transportation access. They emphasize the need for mental health professionals, bilingual staff, nurses, and specialties like ophthalmology.

C. St. Johns Fire District Strategic Plan

Chief Kunitzer provided Council Members with a copy of the St. John's Fire District's strategic plan, providing a presentation highlighting its shift towards emergency medical care on Kiawah Island.

St. John's Fire District, founded in 1959, serves Kiawah, Seabrook, Johns, and Wadmalaw Islands. It has 144 employees and seven fire stations. The district is self-sufficient, with divisions for operations, professional standards, fire marshal, and administration. It handles 4,000 incidents annually, 80% of which are EMS calls, and 80% of the personnel are EMT-Basic or higher.

The strategic plan for 2024-2029 includes recruitment, retention, EMS services, metrics, career paths, capital projects, and accreditation. Identified as a community priority, they aim to enhance EMS services, risk reduction, natural disaster resources, and training.

Chief Kunitzer stated the STJFD obtained an ALS license, collaborated with Charleston County EMS and Beach Patrol, and planned for a new station and training facility at Station #5, as well as a Kiawah River fire station. They are upgrading their high water vehicle for disaster response.

Responding to Council Member Kaye's question, Chief Kunitzer stated that the STJFD is funded by property tax, part of which goes to operating costs and the other to capital projects. They also seek alternative funding sources as much as possible.

VII. Updates:

A. Mayor

Mayor Belt stated that by state law, 30% of the accommodation taxes the Town receives are required to go to a tourism promotion marketing entity. The Town selected to send those dollars to the Charleston Visitor's Bureau (CVB). He continues as the liaison and Board Member of the CVB. In early discussions about a potential new tourism promotion for Kiawah Island, he suggested thinking

outside the box and promoting the unique aspects of Kiawah Island, particularly the natural environment and native wildlife, an idea they fully embraced.

Ms. Pomrenke has been working with CVB staff and Mr. Jordan, who was intimately involved with the project. The finalized product was previewed for the first time.

The video will be shown in the Town Hall lobby, on the Explore Charleston website, and on the Town's website, YouTube channel, and social media.

Mayor Belt stated the video highlights what is truly unique and special about Kiawah Island and was very pleased with it. He thanked Mr. Jordan, Ms. Pomrenke, and the CVB Team for putting it together.

Mayor Belt stated that there were many extraordinary volunteers already serving in different capacities. Still, he felt that even more expertise could be harnessed from those willing to serve on a wide range of different projects. There are more than 300 volunteers who participated in the Turtle Patrol, with more opportunities available in other wildlife and environmental programs and projects, along with serving on one of the Town's standing and statutory committees. He encouraged those interested in serving to notify the Town.

Mayor Belt noted that the Public Safety Committee, along with a number of the island stakeholders, would begin more broadly assessing the best ways to enhance the public safety of the community. He addressed the concerns or misconceptions that the Town had very limited law enforcement coverage on the island following the cancelation of the dedicated deputy contract with the Charleston County Sheriff's Office (CCSO), indicating those were categorically untrue. He discussed the new district created by the CCSO to provide law enforcement island-wide coverage on Johns Island and the long-standing 24/7 contract the Town has with CCSO for two off-duty deputies to serve on Kiawah on each shift when not on duty with CCSO. He also noted that the Town had undertaken an assessment of law enforcement coverage to determine any potential gaps in coverage and how to respond appropriately.

Mayor Belt discussed the revival of the proposed Medical Health and Wellness Village project. A year ago, the project was considered by the Charleston County Planning Commission and recommended for disapproval. With modest concessions, it was considered and disapproved by the County Council. He found it extraordinarily disconcerting that the plan submitted for consideration by the planning commission on November 18th is exactly the same plan that the council disapproved back in February. He noted that comment letters can be sent to the County.

Mayor Belt provided an update on the ongoing mediation process. At the last meeting, the Town Council approved the mediation settlement agreement, which the developer also executed. The agreement was conditioned upon some additional exhibits and site plans being submitted, which took some time. The agreement then has to be approved by the Court, which has not yet been approved but is anticipated to take place soon.

B. Council Members

Council Member Berner provided updates on the following:

- Mediation –
 - Worked on final site plan that was included in the mediation statement
 - There was still going to be a drop-off point near Beachwalker County Park
 - The developer has started talking; he emphasized “talking” about a planned development. More with respect to the process, but nothing has been submitted.
- Law Enforcement Study –
 - Consultants to analyze the number of events we've had on the island and to suggest improvements to the police coverage on the island

- Meeting with the consultants on October 25th to review the preliminary status of the data analysis, requesting a different kind of analysis to break data into shifts.
- CERT - Community Emergency Response Team
 - Designed to help with emergency preparations before, during, and after a significant, like a hurricane
 - Members are trained in CPR and include nurses, trained security, and engineers
 - Go in as the first response team after an evacuation to assess what is happening on the island
 - CERT has been involved with non-emergency situations and is being restarted for emergency situations.

Council Member Kaye provided updates on the following:

- Pet restraint off-leash ordinance
 - The objective was to balance community interests and shorebird safety by requiring leashes in designated areas during nesting season.
 - Dogs are currently allowed without a leash on the mile-long stretch of beach between the beach club and the ocean course all year round is not being eliminated.
 - The off-leash zone would be reduced for four months during the period of time when the shorebirds are nesting, and leashes would only be required where signage indicated there was a nesting area.
 - Community concerns included potential arbitrary changes to leash zones and lack of data on off-leash dogs' impact on shorebirds.
 - The ordinance was revised with strict definitions and oversight.
 - The subcommittee has been working on educational efforts and signage improvements.
 - The Environmental Committee will review recommendations and the draft ordinance at the November 13th meeting.
- Environmental Committee
 - Structure and members of the Environmental Committee
 - Beach walkover subcommittee
 - Pet Restraint and Shorebird Protection subcommittee
 - Kiawah River Bridge subcommittee
 - Marsh Management/Pervious Services Subcommittee

Council Member Farrell provided updates on the following:

- Contribution to an organization hiring interns for environmental work next summer
 - dolphin strand feeding management.
- The finance discussion on reserves management was postponed.
- The Audit Committee aims to review internal controls
- Mediation efforts focus on
 - safety
 - adequate parking at the new Cape Club
 - robust buffering for current and future development
 - pervious roads
 - making sure that the developer is doing what is right in terms of heights and density and the way that looks so that it looks and feels like it's part of Kiawah

C. Administrator

a. Public Safety Director Updates

Mayor Belt stated that code enforcement is part of the Public Safety Department, which includes Beach Patrol, both in regard to beach-related activities and night-time code enforcement, in addition to day-time code enforcement officers. In an effort to provide more information to the community, the Town will start providing a monthly summary of public safety-related issues.

Mr. Sosnowski noted errors in the data sheet, specifically that some October data appear as annual data and promised corrections. He also indicated that they were working on a new way of capturing the statistics for both Beach Patrol and the daytime code enforcement staff.

Mr. Sosnowski highlighted the following from the report presented:

- 112 loose material citations were written in October for non-compliance, with Council members discussing whether the implementation communications sent out were effective.
- 463 leash law violations, the majority being verbal violations on the beach.
- A high number of critical habitat violations was noted and would need to be verified.
- 583 STR (Short Term Rental) bikes and beach gear left out overnight.
- A fire at the Sora Rail storage facility is under investigation.
- Consistent code enforcement was emphasized, and there was a need for more conversation about the code enforcement policy.

Ms. Tillerson reported on the following:

- Consolidating the reports from the STJFD and CCSO in the monthly public safety report
- The swearing-in ceremony for a new council member on November 12th at 11:00 am
- The town is hiring for two positions
 - Arts and cultural events manager
 - Code enforcement officer
- RFPs (Request for Proposals)
 - Landscape RFP is out
 - C-Fund project for Beachwalker Drive and the Parkway, close to going out
 - Drainage bid for garage, close to going out
- EV charge station usage
- Kiawah Island Utility received a 24-cent rate increase from St. Johns Water and will increase rates by 25 cents effective January 1, 2025
- The potential of the Clemson placing state-wide restrictions for the private sector on the use of anticoagulants affecting bobcats.
- The second Bobcat and Bluegrass event is on November 15th at 2:00 pm.

VIII. Discussion:

A. Discussion to Consider Options Related to Traffic Buttons on Kiawah Island Parkway.

Mayor Belt stated that the Town has invested an extraordinary amount of time and effort in getting data and assessing the issue. Traffic devices on Kiawah Island Parkway caused tire damage to 32 vehicles and have requested reimbursement. The reason for installing the devices was to address a known safety risk to channel traffic and to mitigate speeding along the Mingo Point curve, primarily to address ingress and egress from Little Rabbit Lane. After discussions with internal staff, our engineering consultant, the contractor, and legal counsel, the Town is not legally liable for any damages that were incurred. Still, the Council could consider a policy matter whether the Town would want to assume some responsibility.

- file a claim with the contractor's insurance company
- pay for all of the damages that were incurred
- agree to cover a certain amount of any damages that occurred if presented with actual invoices dated around that time and on executing a waiver release

The Council Members engaged in an in-depth discussion of reimbursement options, reviewing the intent of the devices being installed, the determination that the devices were properly installed, driver responsibility, and considering the damages as an unintended consequence. Members agreed to a maximum \$400.00 reimbursement per incident to those who incurred damages provided they submitted the appropriate documentation and executed a waiver release.

IX. Old Business:

None

X. New Business:

A. To Consider Approval of the Coastal Science and Engineering Proposal for “Preliminary Design and Permitting Services in Connection with Channel Realignment at the East End of Kiawah Island.

Council Member Farrell stated that the proposal was to start the project for beach renourishment at the east end of the island because that's the area where there's the greatest amount of erosion. The Ways and Means Committee reviewed the proposal and discussed the urgent need for beach renourishment due to severe erosion threatening the habitat, driving range, and ocean course clubhouse. The committee recommended funding the \$77,000 permitting process, aiming for approvals from the Army Corps of Engineers and the Department of Natural Resources. The project is expected to start in the September to November timeframe next year.

Council Member Farrell made a motion to accept the Ways and Means recommendation to approve the Coastal Science and Engineering Proposal for “Preliminary Design and Permitting Services in Connection with Channel Realignment at the East End of Kiawah Island. Council Member Kaye seconded the motion.

Mayor Pro Tem Berner stated the permitting includes provisions for bird nesting and habitat areas, and Coastal Science was requested to investigate sand fencing to protect these areas. Coastal Science was requested to include these provisions. Mayor Belt added that the project's cost estimation depends on the permitting process and requirements from the Department of Environmental Services and the Army Corps of Engineers; there would be several opportunities for public engagement, and a SATAX funding request was being submitted for the permitting cost.

Following the discussion, the motion was unanimously approved.

B. To Consider Approval for the Purchase of Audio/Visual Improvements for Council Chambers

Council Member Ferrall stated that there had been a lot of feedback on the poor quality of the sound and camera of the meeting videos in Council Chambers. With the system limitations, it is difficult for the Town's audio-visual team to manage the process when meetings and workshops are not at the dais, where both the visual and sound are much worse.

The proposal to enhance audio-visual capabilities includes replacing the current two cameras with more high-quality cameras, repositioning the cameras for better angles and control, adding a centralized switcher and camera control to the space, and adding one additional portable camera to use for an additional camera angle for live streams that could serve as another camera for podcasts and videos. The improvements will also enhance the microphones and sound quality, making meetings in this room much more viewable so everyone can be seen and heard.

Council Member Farrell made a motion to approve the purchase of Audio/Visual improvements for Council Chambers. Council Member Kaye seconded the motion.

Mayor Pro Tem Berner stated he was the only distaining Ways and Means Committee vote. Hearing no community complaints and after viewing videos of Town Council meetings, he found that the sound was fine and was not convinced the improvements would improve audio.

Mayor Belt noted that there was a robust discussion at the Ways and Means Committee meeting on the technical aspects and limitations of the current system. What was being proposed would greatly enhance our flexibility to provide audio-visual capabilities or services for a different range of configurations.

Following the discussion, the motion was approved by a 3 to 1 vote, with Mayor Pro Tem Berner voting “No.”

C. To Consider Approval of the Employee Medical Insurance Premium Structure

Council Member Farrell stated the approval of the employee medical insurance premium structure items was tabled by the Ways and Means Committee to look at the premium structure versus the whole compensation structure.

D. To Consider Approval to enter into an Engagement Agreement with Maynard Nexsen for legal services pertaining to the Kiawah Island Golf Resort Development Agreement.

Mayor Belt stated that the Town’s current legal team lacks expertise in negotiating and writing development agreements and recommended the Nexsen firm as having the expertise. The Ways and Means Committee tabled the item to do more thorough research on the firm and to go through the RFP process.

Mayor Pro Tem Berner stated that his concern was that this was presented as a sole source contract and that he was uncomfortable approving it without going through an RFP process.

E. To Consider Approval of Ordinance 2024-26 – An Ordinance to Amend Article 15 – General Offences, Chapter 2. – Offenses Against Public Peace, Section 15-216. – Loose Materials - First Reading

Mayor Belt stated that Ordinance 2024-26 was a redraft of the ordinance recently passed and aims to address some unintended consequences. The ordinance was revised to address two issues: commercial vehicle definition and dumpster coverage.

Mayor Pro Tem Berner made a motion to approve the first reading of Ordinance 2024-26 – An Ordinance to Amend Article 15 – General Offences, Chapter 2. – Offenses Against Public Peace, Section 15-216. – Loose Materials. Council Member Kaye seconded the motion.

Council Member Kaye stated that she was unaware of some of these unintended consequences and would be in favor of convening a voluntary group with the Home Builders Association to get their comments.

Christopher Ibsen, owner of Dolphin Architects and Builders

Mr. Ibsen stated that the challenge with fulfilling the requirement to cover the dumpsters is the unpredictability of waste company pickups, which complicates operations, as they will not pick up covered dumpsters. This requires a site superintendent to uncover them, adding costs for tarps and bungee cords. Mayor Belt indicated that the redrafted ordinance does not require that dumpsters be covered during the day.

Members discussed concerns raised about compliance practicality, especially during crew absences, suggesting coordinating with the service provider or having a site supervisor available. With 30 days

to the second reading, contractors were urged to return with suggestions for revisions to better address commercial concerns.

Members discussed the role of code enforcement officers, managing the process of corrective action, issuing verbal and written warnings before writing a citation, inconsistent citation amounts, and Internal management improvements are needed.

Mayor Belt considered discretion in dismissing citations, but the municipal judge advised him that it would not be appropriate for anyone to get involved. Once a citation is written, it should go through the judicial process, letting the judge make the determination.

Following the discussion, the first reading of Ordinance 2024-26 was unanimously approved.

F. To Consider Approval of Ordinance 2024-24 - An Ordinance to Amend Section 12-128. -Access, Parking and Loading Regulations, Section 12-63. Description of Zoning Districts and Regulations, and Section 12-374. Definitions to Modify Driveway and Parking Standards for Pervious Paving Requirements. Public Hearing and First Reading

Mr. Taylor stated that the proposed is a text amendment to three sections of the Municipal Code and referenced as pervious paving requirement He provided an overview of events leading up to the proposed amendment:

- Section 12-128. -Access, Parking and Loading Regulations,
- Section 12-63. Description of Zoning Districts and Regulations,
- Section 12-374. Definitions to Modify Driveway and Parking Standards for Pervious Paving Requirements

The proposed amendments for Section 12-128 and Section 12-63 will require pervious paving for new and replacement driveways and parking lots. They also modify the allowable increase of maximum lot coverage for utilizing pervious material and introduce the revised definition of pervious surface.

Mr. Taylor stated that the Planning Commission recommended approval of the text amendments, and the Planning staff found the proposed text amendments consistent with each of the outlined approval criteria. He noted that no formal written public comments were received to be submitted to the public record.

Council Member Ferrall discussed that the requirement for pervious driveways is going to impact new construction directly. He also noted that the real impact is through replacements, and the focus is not on homeowners as much as on commercial development. He suggested more specificity about the type of pervious coverage and a focus on how to correct what is currently impervious.

Council Members questioned if the focus was residential or commercial and on new construction. Mr. Taylor clarified that the ordinance specifically says that all new construction, substantial renovations, or site modification would need to comply with the pervious requirement.

Discussions included views on incentive programs along with concerns about the cost and maintenance of pervious surfaces. The Ocean Woods model is referenced as a community approach. A public hearing is held for community input on the paving ordinance, with resiliency elements and stormwater management are key focuses in the paving discussion. The financial impact on residents needing replacements was discussed, suggesting an incentive for homeowners to choose pervious options. Conducting a community survey was suggested to gauge support for environmental measures.

Council Member Kaye made a motion to enter into the Public Hearing. Council Member Farrell seconded the motion, and it was unanimously approved.

Christopher Ibsen, owner of Dolphin Architects and Builders

Mr. Ibsen stated that pervious surfaces were supported in principle but felt there are financial considerations that need to be studied in greater detail. Traditional driveways cost \$17,000, and pervious pavers cost \$42,000-\$50,000. Maintenance was also a crucial consideration for pervious concrete.

The financial impact on long-term residents needing replacements was discussed, suggesting a financial hardship variance request system for financial hardship to allow people to do a more economical installation should be considered. He also asked the Council to consider the timing and implementation schedule to avoid affecting existing contracts. He also pointed out the need to consider operational issues in hot months.

Mr. Ibsen felt that builders, in general, would support the idea of having thoughtful stormwater management solutions and would want to collaborate on that. He also suggested considering an incentive of a discounted building permit to the homeowner if they choose to go in this direction and make that greater investment.

Cheri Gallagher - 119 Spartina Court

Ms. Gallagher felt the public should be polled to find out what they want. People on Kiawah love the environment and she felt they would be willing to spend money if it were going to be the responsible thing to do to protect the island.

Dave DeStefano - 31 Burroughs Hall

Mr. DeStefano stated he has two areas of his home that are pervious, part of this driveway and his courtyard. He stated that when it rains hard, the water goes in the pool, noting the difficulty keeping pervious pavers pervious. If the ordinance is passed, there will have to be a follow-up to make sure the area remains pervious.

Kara Crowell – 23 Arrowhead Hall

Ms. Crow stated that she has a pervious driveway, which was very intentionally part of the design of an all-native landscape. She emphasized education and incentives so the cost of new builds could be overcome. She shared her experience with her previous home where the next owner concreted over the pervious driveway and agreed with implementing something to protect it as pervious so that the subsequent owners have to maintain it. She also agreed with what Mr. Ibsen said about the burden on the existing homeowners who need to replace a driveway.

Gene Babinec – 97 Belmeade Hall

Mr. Babinec, speaking as an Inlet Cove member, indicated there had been an uptick within Inlet Cove with their project, with 40 out of 108 residents initially signing up and 10 already having installed permeable. People like the aesthetics and appeal compared to the pavement, asphalt, or concrete. He stated that at a recent owner's meeting, there was a presentation on what was involved with the product and the maintenance requirements. He noted the incentives of getting reduced costs from the contractor and concessions from the ARB for doing the project as a group.

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

Council Member Kaye made a motion to approve the first reading of Ordinance 2024-24 to amend Section 12-128. -Access, Parking and Loading Regulations, Section 12-63. Description of Zoning Districts

and Regulations, and Section 12-374. Definitions to Modify Driveway and Parking Standards for Pervious Paving Requirements. Council Member Farrell seconded the motion.

Mr. Taylor discussed establishing a stormwater application as part of the permitting process, allowing property owners to consider other elements such as rain gardens and on-site retention to help with stormwater. The next phase of that stormwater text amendment was also discussed, which focused on the rainfall data percentage metrics that would be used, the role of soil composition in water absorption, and the benefits of pervious surfaces for water quality.

Mayor Pro Tem Berner stated he was uncomfortable voting to take money out of the community's pocket. This is not just about the installation costs but also the annual maintenance cost unless there is a survey that says the community is okay with the increased cost.

Council Member Farrell felt that for the single-family homeowners that are left to build, there is not a huge impact on the increase of the pervious surface, but on any new commercial construction and replacement commercial construction, the Town has to go this route.

Mayor Belt brought up another issue intertwined was lot coverage maximums, which in some zoning districts allow for up to 70% coverage and seemed inconsistent with trying to have more area on the island to absorb water.

Mr. Taylor questioned if there was a consideration to amend the ordinance to focus on replacement driveways, not necessarily new driveways. Council Member Farrell indicated that he favored the inclusion of new and replacement construction, with Mayor Pro Tem Berner requesting to remove driveway replacements.

Mr. Taylor pointed out that the aim was not to pressure homeowners with older driveways, also adding that financial hardship, discussed earlier, was not a variance criteria the Board of Zoning Appeals was able to consider.

Following the discussion, the vote was to leave the ordinance as drafted on first reading was approved by a 3 to 1 vote, with Mayor Pro Tem Berner voting "No."

Mayor Belt noted that there are still issues that need to be addressed between the first and second readings.

G. To Consider Approval of Ordinance 2024-25 - An Ordinance to Amend Section 12-192 - Nonconforming Structures., and Section 12-193. Nonconforming Uses. to Modify Nonconformity Standards. – Public Hearing and First Reading

Mr. Taylor stated that Ordinance 2024-25 on non-conforming uses, recommended for approval by the Planning Commission, will apply to all properties' repair, maintenance, restoration, and replacement for natural causes.

Mayor Belt stated the ordinance was connected to litigation following the approved rezoning of the Timber's property. A specific issue was raised with regard to rebuilding after catastrophic events. The two counsels negotiated the ordinance language to satisfy the specific concerns. The ordinance clarifies rebuilding rights for non-conforming structures, addressing technical issues with base elevation calculations. It applies island-wide, not just to Timbers.

Council Member Kaye made a motion to enter into the Public Hearing. Council Member Farrell seconded the motion, and it was unanimously approved.

Bill Sage – Timbers Board Member

Mr. Sage, representing the Timbers Homeowner's Association (HOA), stated that the HOA supported the resolution and explained the non-conforming property issues. He noted that Mr. McQuillan had the draft settlement agreement and was waiting for it to be signed.

Mayor Pro Tem Berner indicated that it was his understanding that if a hurricane hit one of these nonconforming buildings, they would be essentially grandfathered in and could be rebuilt. The only time you couldn't rebuild it is if the building was sold or the owner elected to knock it down.

Mayor Belt confirmed that there is an ordinance that provides grandfathering. The ordinance is intended to address a more technical issue regarding the calculation of base elevation and related to what could actually be built back that wasn't adequately addressed by our existing grandfather provision.

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

Council Member Kaye made a motion to approve the first reading of Ordinance 2024-25 to Amend Section 12-192 -Nonconforming Structures., and Section 12-193. Nonconforming Uses. to Modify Nonconformity Standards. Council Member Farrell seconded the motion, and it was unanimously approved.

XI. Citizens' Comments:

Dave DeStefano - 31 Burroughs Hall

Mr. DeStefano stated that having extensive construction industry experience highlighted a recurring issue with dumpsters, especially in cities where they must be covered. The general contractor is responsible for ensuring dumpsters are uncovered in the morning and covered at night, regardless of pickup schedules. Subcontractors cannot be relied upon, and non-compliance results in fines.

Night patrols should issue violations for uncovered dumpsters, placing stickers on the front door or directly on the dumpster if no door is available.

XII. Council Member Comments:

Mayor Belt expressed his gratitude for everyone's patience during a very long session and for the hard work the Council Members are doing.

XIII. Adjournment:

Mayor Belt adjourned the meeting at 5:26 pm.

Submitted by,


Petra S. Reynolds, Town Clerk

12.6.2024
Date