

TOWN COUNCIL
Municipal Center Council Chambers
September 10, 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*
Luke Farrell, *Council Member*
Michael Heidingsfelder, *Council Member*

Present Via Zoom: Madeleine Kaye, *Council Member*

Absent: Russell Berner, *Mayor Pro Tem*

Also Present: Stephanie Tillerson, *Town Administrator*
Boone Aiken, *Town Attorney*
Mathew Spath, *BCDCOG Communications Director*

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

IV. Approval of Minutes:

A. Minutes of the Town Council Special Call Hearing of July 2, 2024

Mayor Belt stated that Council Members had been provided with a copy of the minutes of the Town Council Special Call Hearing of July 2, 2024. Noting that he provided the clerk with relatively minor changes, he asked if there were any additional comments or changes to the minutes.

With no other comments, the minutes were adopted.

B. Minutes of the Town Council Meeting of July 2, 2024

Mayor Belt stated that Council Members had been provided with a copy of the minutes of the Town Council Meeting of July 2, 2024. Noting that he provided the clerk with relatively minor changes, he asked if there were any additional comments or changes to the minutes.

With no other comments, the minutes were adopted.

C. Minutes of the Town Council Special Call Meeting of August 2, 2024

Mayor Belt stated that Council Members have been provided with a copy of the minutes of the Town Council Special Call Meeting of August 2, 2024. He asked if there were any comments or changes to the minutes.

With no other comments, the minutes were adopted.

Council Member Heidingsfelder remarked on the notable improvement of meeting minutes and discussed various topics from past meetings, such as the status of revisiting the Short-Term Rental Ordinance prompted by an issue with a Business License revocation and the status of the plans or options

for resolving the continuing flooding problems on the leisure trail along Kiawah Island Parkway and, more recently, at the Mingo Curve.

On the Business License revocation, Mayor Belt responded that the Short-Term Rental Ordinance had not yet been revisited because broader changes were required to address inconsistencies in its provisions, but internal conversations had been held on the enforcement policy to ensure a revocation was not proposed for relatively minor violations.

On the flooding issues, Mayor Belt stated that the Public Work Department undertook to clear the drains along the Parkway bike path, which seemed to mitigate the flooding-related issues substantially. In addition, proposals are being requested to address further changes to the bike paths, both on Beachwalker and the Parkway.

Ms. Tillerson acknowledged the receipt of \$284,000 from the Charleston County CTC Fund for infrastructure improvements to address flooding and is working to ensure that the quote received is acceptable or whether an RFP is required.

Council Member Heidingsfelder also raised concerns about the need for a fully staffed, 24/7 EMS truck on the island and questioned the status of the discussions with the county to facilitate the truck.

Mayor Belt stated that further conversations are needed with the County EMS staff to consider ways to enhance EMS services for Kiawah residents.

Council Member Heidingsfelder emphasized the importance of improving EMS services for the community, hoping that it would become more of a priority for the Town and the County.

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 matters. The Council may take action after the Executive Session.

Mayor Belt indicated that the Executive Session concerns only the lawsuit that the owners of The Timbers filed against the Town subsequent to the rezoning of that parcel. He noted that it is believed to be a readily resolvable issue.

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. Council Member Heidingsfelder seconded the motion, and it was unanimously approved.

Council Member Farrell made a motion to return to the Regular Session. Council Member Heidingsfelder seconded the motion, and it was unanimously approved.

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

VI. **Citizens Comments (Agenda Items Only):**

Brad McIlvin – 146 Blue Heron Pond Road

Mr. McIlvin praised the resolution for adopting what he considered a great gift policy and suggested the KICA Board consider a similar policy model.

VII. **Updates:**

A. Mayor

Mayor Belt provided updates on the following:

- Upcoming Community Meetings
 - Quarterly Town Hall meeting scheduled for September 19th in Council Chambers
 - Charleston County Council Member Jim McBride was invited to join for a portion of the meeting

- Community Drop-In meeting scheduled for September 11th at 1:30 pm in Council Chambers
 - Consultant study pertaining to the provision of public security and law enforcement services on and around Kiawah Island
- Joint Town Council Planning Commission Workshop discussing water and stormwater management scheduled for Monday, September 30.
- Community Survey
 - Approximately 750 responses
 - Deadline extended to post Labor Day
- Increase in the number of missed trash pick-ups during the Labor Day Holiday
- Staff efforts to improve cell phone coverage on the island
 - Community input is requested
- Upcoming mediation process with a property owner regarding development projects
 - Postponed as a result of Tropical Storm Debbie
 - Mayor's recusal from the mediation process
 - Based on discussions with the Town Attorney, outside Counsel, and the General Counsel of the State Ethics Commission there is no prohibition or conflict under the State Ethics Act that would require recusal.
 - Nonetheless, Mayor Belt stated that he would recuse himself from participation in the mediation to avoid any appearance of a conflict, and that he had full confidence in Council Members Berner and Farrell and Counsel to handle the mediation.

Mayor Belt acknowledged and thanked Council Member Heidingsfelder for his many contributions to the Kiawah Island community. He stated that Council Member Heidingsfelder had gone above and beyond in committing time and energy to issues that matter to the community and had always been willing to take on more committee assignments and responsibilities. Perhaps most importantly, he had been the driver of some of the important initiatives undertaken to protect the well-being and natural habitat of Kiawah, as shown in the development of the Marsh Management Plan and Kiawah Goes Green Initiative.

B. Council Members

Council Member Farrell spoke on the first day of mediation, which took place on August 21st. Coming out of the meeting, there was an agreement not to talk about the discussions, but said it was a very constructive meeting. He indicated that future meetings would be scheduled and felt that there was good faith on the part of both sides to solve the issues.

Council Member Kaye thanked Council Member Heidingsfelder for his extraordinary service to this community and expressed disappointment at his resignation. She also thanked him for his input and support.

Council Member Kaye provided updates on the following:

- ARB Workgroup's ongoing work to transition the ARB from the Partners to KICA
 - Completion of an implementation plan
- New members joining the Environmental Committee, Pet Restraint/Shorebird Protection Subcommittee, Kiawah Bridge Subcommittee, and Marsh Management Subcommittee.
- New signage designed for the bridge on the walkway access to the river to indicate critical habitat
 - compliance and non-compliance will be monitored with a camera installed at the bridge
- Recent communications efforts, including a podcast produced with the help of the Conservancy.
- Work on a comprehensive draft ordinance concerning pet restraint, emphasizing the involvement of both the Shorebird Stewards and the beach/dog community in the sub-committee.
 - The draft ordinance will be ready to go to the environmental committee within the next month.
 - Opportunity for the community to be involved in the discussion, with plans to schedule a special session for the community only on this issue.
- The issue of the second-generation anti-coagulants threatening Bobcats was revisited with a call to action for the community to sign a pledge and watch an informative video produced by Mr. Jim Jordan.
- Turtle season ended two weeks early due to heat, with 356 nests recorded.
 - Fourth largest year for turtle nesting.
 - Only two nests were affected by coyotes.
- Upcoming meeting on September 30th about stormwater management, encouraging community attendance for education on historical efforts and future needs.

- Proposed revisiting the terms of office for council members, suggesting that the current four-year term might be deterring potential candidates.
 - Suggested the idea of forming a task force to explore optimal term lengths to encourage more community involvement in the Town Council.

Mayor Belt indicated he had received the feedback on the four-year terms in office and was supportive of possibly setting up a governance task force to explore the pros and cons of such a change. An additional update on the efforts to protect Bobcats included a renewed request to Clemson to allow the Town to impose a moratorium on the use of SGAs on Kiawah.

Council Member Farrell also expressed his appreciation and thanks for Council Member Heidingsfelder's contributions, dedication, and work while serving on the Town Council and, before that, the Planning Commission.

Council Member Heidingsfelder expressed gratitude for reconsidering approaching Clemson to protect the bobcats, stressing that the importance of the bobcats to the community should not be forgotten.

Council Member Heidingsfelder asked that during her update, Ms. Tillerson provide an update on the status of the MUSC project, with concerns raised about delays and the lack of updates since Dr. Cowley's last attendance. The community has shown significant interest, especially due to the project's expected readiness, which has been postponed. There was also a mention of a hold-up with Seabrook, but it was noted that the Town had done everything necessary on its part. The suggestion was made to invite Dr. Cowley to a future meeting for a comprehensive update.

Council Member Heidingsfelder also addressed personal attacks and misinformation spread by individuals in the community, specifically mentioning an ongoing smear campaign and the misrepresentation of facts regarding parking issues at The Cape and anti-development sentiments. Despite these challenges, there was a positive note on mediation efforts showing progress towards finding a compromise for the community's benefit.

Council Member Heidingsfelder stated that this was his last Town Council meeting, having given his resignation to the Mayor and Town Administrator some time ago. So the community doesn't have to go to two elections, the resignation was timed so that the election for the vacated seat would be in combination with the general election on November 5th. He thanked community members for the many communications received and also thanked his colleagues for the kind words and encouragement they expressed. He felt honored to be recognized and expressed gratitude for the opportunity to serve and the support received from the community, stating that he would certainly continue to serve.

Lastly, **Council Member Heidingsfelder** highlighted the importance of maintaining good relationships with counterparts and the need for constructive dialogue to resolve ongoing issues, particularly emphasizing the situation with the master developer and legal disputes.

C. Administrator

Ms. Tillerson reported that the EV stations showed increasing hours of use, with an estimated 427 hours of use over the past three months. The station usage is currently free of charge. Next month, as much information as possible will be provided to aid in the discussion on managing the costs associated with the public use of the stations.

Ms. Tillerson provided an update on the MUSC project, indicating that a delay was due to Seafields having to modify the encroachment permit granted by the Town of Seabrook to add the MUSC project, which has now been resolved. Once the legal language is settled and the Town receives the signed copy of the encroachment permit, the site plan can be signed off on, allowing the project to move forward, hopefully within the next 30 days.

Monthly Budget Report

Ms. Szubert provided an overview of the financial status for the last fiscal year, noting that the numbers are not yet audited but are expected to remain largely unchanged. The final audit report is anticipated in November.

The Town's combined fund balance as of June 30th was approximately \$41 million, with \$24 million unassigned and available for town council discretion. Restricted funds include \$7.6 million for tourism and \$9.4 million for capital or emergency reserves.

The Town experienced its best year in terms of revenue, finishing with a \$4 million surplus. Revenue was \$18.6 million, \$1.7 million higher than the previous year and \$3 million over budget, with significant contributions from building permits and business license revenue. Ms. Szubert highlighted one-time revenue sources and an increase collected through the Municipal Association insurance program, as well as the ongoing projects to bring businesses into compliance.

Expenditures totaled \$12.2 million, slightly over budget due to new positions, salary increases, and contracts for public safety and waste management. There were also increases in professional services, tourism, recreation, and capital expenditures. The positives of two consultant projects not having taken place and the lower-than-budgeted EV stations offset the negatives.

Council Member Farrell stated that The Town has seen great returns from investing in a state-managed money market fund, with a return of about 5.10 to 5.25% per month over the past year. However, changing the investment strategy to take on more risk for higher returns is potentially being considered, especially as interest rates are expected to decline.

Mayor Belt pointed out what appeared to be discrepancies in tax funds and business licenses, highlighting the importance of addressing these discrepancies, possibly by expanding audit efforts or outsourcing them to ensure compliance and proper revenue collection. The finance director has suggested adding a revenue officer to the staff, and there's a consensus on the value of continuing audits to ensure compliance among businesses.

The discussion also touched on the need for external audit firms to handle more complex audits due to limited staff resources. A future staff recommendation is anticipated to address these issues, with an expectation that it will be cost-effective based on limited past experiences.

VIII. Old Business:

- A. To Consider Approval of Ordinance 2024-04 - An Ordinance to Amend the Town of Kiawah Island Municipal Code Article 2 – General Government and Administration, Chapter 2. – Municipal Council, Section 2-205. – Mayor Pro Tempore – *Second and Final Reading***

Mayor Belt stated that the approval of Ordinance 2024-04 pertained to changes in code Section 2-205 regarding the appointment of the mayor pro tem, noting that no changes had been made to the ordinance since its first reading.

Council Member Heidingsfelder made a motion to approve the second and final reading of Ordinance 2024-04 to Amend the Town of Kiawah Island Municipal Code Article 2 – General Government and Administration, Chapter 2. – Municipal Council, Section 2-205. – Mayor Pro Tempore. Council Member Farrell seconded the motion, and it was unanimously approved.

- B. To Consider Approval of Ordinance 2024-22 - An Ordinance to Amend Article 4, Finance and Taxation, Chapter 3, - Municipal Business Licenses, Section 4-321. – Classification And Rates, Appendix A: Business License Rate Schedule - *Second and Final Reading***

In the discussion of the approval of Ordinance 2024-22, questions were raised about the changes in the base rate and rate per 1000 or fraction thereof in Exhibit A, specifically regarding the rate adjustments for contractors under rate class 8.1. Mr. Szubert clarified that no changes were made to the rate schedule in the proposed ordinance. When the schedule was originally approved, the rates for contractors were

kept the same to avoid impacting the largest population of businesses, which are contractors. Also discussed was the comparison of the current rates to other coastal municipalities.

Council Member Farrell made a motion to approve the second and final reading of Ordinance 2024-22 to Amend Article 4, Finance and Taxation, Chapter 3, - Municipal Business Licenses, Section 4-321. - Classification And Rates, Appendix A: Business License Rate Schedule. Council Member Heidingsfelder seconded the motion, and it was unanimously approved.

IX. New Business:

A. To Consider Approval of Ordinance 2024-23 - An Ordinance to Amend Article 9. - Buildings and Building Codes, Chapter 4. - Permits, Licenses and Fees, Division 3. - Fees, Section 9-215. - Schedule of Permit Fees - First Reading

Mayor Belt stated that Ordinance 2024-23 had previously been approved as a resolution. It was noted that references in the code necessitated amending the code to achieve the intended outcomes rather than merely passing a resolution. No changes were made to the content itself; the form of approval was corrected from a resolution to an ordinance.

Council Member Farrell made a motion to approve the first reading of Ordinance 2024-23 to amend Article 9. - Buildings and Building Codes, Chapter 4. - Permits, Licenses and Fees, Division 3. - Fees, Section 9-215. - Schedule of Permit Fees. Council Member Heidingsfelder seconded the motion, and it was unanimously approved.

B. To Approve and Authorize the Mayor to Enter into the East Beach Club Operations Agreement

Mayor Belt stated that the agreement with the East Beach Club addresses three provisions of the Town ordinance: vehicular traffic on beaches, overnight storage of beach equipment, and commercial activities on the beach where the Town's express permission is required. The agreement aims to codify the Beach Club's current practices with minor changes, and any substantive issues could be revisited upon expiration.

Council Member Farrell raised concerns about the agreement's boundaries potentially extending over private property, which led to suggestions for adjustments. He also expressed concerns about the number of chairs allowed on the beach and, at some future date, looking at the appropriate number based on the physical constraints of the larger facility.

Additionally, there was an in-depth discussion about the need for clarity on what happens if the agreement is terminated. Council Member Heidingsfelder pointed out that if the agreement is terminated, it would basically mean that the Beach Club would need to cease its beach operation. He also discussed changing the boundaries, along with several other points in the agreement he felt needed to be modified.

Council Member Heidingsfelder made a motion to table the approval to Enter into the East Beach Club Operations Agreement. Council Member Farrell seconded the motion, and it was unanimously approved.

C. To Consider Approval of Resolution 2024-04 - to Adopt a Gift Policy for Municipal Officers and Employees

Council Member Heidingsfelder made a motion to approve Resolution 2024-04 - to Adopt a Gift Policy for Municipal Officers and Employees. Council Member Farrell seconded the motion.

The in-depth discussion of the resolution focused on refining the Town's ethics and gifts policies, specifically addressing the prohibition of gifts to municipal officers and employees. The conversation highlighted the need for clarity and simplicity in the policy to ensure it is understandable and enforceable. Suggestions included establishing an ethics board, removing references to specific dollar amounts in the gifts policy, and defining "municipal officer" more clearly. Concerns were raised about the policy's

potential to deter volunteer participation due to its strictness; exceptions for personal gifts and the handling of gifts to the municipality, like communal food gifts, were also discussed.

The decision was made to revise the policy with the suggested changes and revisit it at the October meeting.

Council Member Farrell made a motion to table the approval of Resolution 2024-04 to Adopt a Gift Policy for Municipal Officers and Employees. Council Member Kaye seconded the motion, and it was unanimously approved.

D. To Consider Approval of the CARTA (Charleston Area Regional Transportation Authority) Fiscal Year 2025 Budget

Ms. Tillerson stated that as a member of CARTA, the Council is required to approve its budget annually.

Mayor Belt stated that CARTA participation and budget approval were mandated but questioned the benefits provided by CARTA to the Kiawah community. Ms. Tillerson clarified that while there is no direct impact, not every jurisdiction has a seat at the table. The Town attends monthly meetings, votes on all projects, and is invited to various activities. Efforts have been explored to bring CARTA services to the island, but so far, they have been unsuccessful.

Discussion included the idea that public transportation could help address some road congestion and employee transit issues, the impact of not approving the budget if any portion of property taxes are paid directly to CARTA, and why Kiawah is participating on the CARTA board.

Council Member Heidingsfelder made a motion to approve the CARTA fiscal year 2025 budget. Council Member Farrell seconded the motion, and it was unanimously approved.

E. To Consider Approval of the Contract Amendment with LS3P for Additional Costs on the KiawahNext Comprehensive Plan

Mayor Belt indicated that input had been received from Planning Commissioners expressing concerns, reservations, and suggestions regarding the potential contract amendment.

Council Member Heidingsfelder made a motion to approve the contract amendment with LS3P for additional costs on the KiawahNext Comprehensive Plan. Council Member Farrell seconded the motion.

Council Member Kaye began the discussion, stating that as a former Planning Commissioner, she had experience working with the contractor and, throughout the process, found the work product to be less than expected. Current Commissioners have indicated the product was substandard, delivery was last minute and often lacked some critical insights. They also pointed out that additional work should have been pre-approved, suggesting that no further funding should be made available and that the staff and the Planning Commission could finish the project.

Mayor Belt clarified that the potential amendment was not only to address the additional time and effort expended but also to help complete the project. He noted that no additional work had been done since June, and staff and Council Members agreed that their assistance was not necessary to finalize the project. Ms. Tillerson and Mr. Taylor provided a more detailed account of the events that transpired throughout the process.

During further discussion, Council Members, along with the Mayor, expressed their extreme dissatisfaction with the consultant's performance and were not in favor of approving the additional funding request.

Following the discussion, the motion was unanimously opposed.

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

Mayor Belt stated that charter amendments reflect the evolution of the Arts Council, the addition of other members, and the expanded role of Ms. Foster, who is primarily responsible for managing the Arts and cultural programs.

Council Member Farrell made a motion to approve the amendments to the Arts and Cultural Event Council Charter. Council Member Heidingsfelder seconded the motion.

Council Member Heidingsfelder questioned the members' one-year appointments and pointed out that the appointment language in the charter and manual needs to be corrected.

Following the discussion, the motion was unanimously approved.

X. Citizens Comments:

Lance Spencer – 40 Sunlet Bend

Mr. Spencer thanked Council Member Heidingsfelder for his dedication and commitment to the Town over his years of service.

Mr. Spencer stated that he has become aware of a division in the community. In his conversations with the community, he had also heard complaints about the misinformation or lack of information that exists, expressing concern that the cloud of the Town's litigation with the development partner had only made things worse. He believed that the sooner the Town and all the parties can take the right steps towards resolution and communicate it, the better.

Additionally, Mr. Spencer indicated that he had a great deal of experience in the cellular industry, tower placement, and how those decisions are made, and he offered to assist in working with the Town on that project.

Dan Prickett – 4349 Sea Forrest

Mr. Prickett commented that during his time on Kiawah, he had a chance to be part of the committee that designed the Municipal Center, served as a Planning Commissioner, and served on the Town Council. One of the things he learned was that in the partnerships shared with the Resort, the Developmental Partners, the Conservancy, the Town of Seabrook, and the County, everyone didn't agree on things but found ways to sit down and get them resolved. He stated that he and the many in the community had been very disappointed in getting to this point and urged members to do everything they could to get the partnership back in place.

Dave DeStefano - 31 Burroughs Hall

Mr. DeStefano commented on the following:

- A roofing shingle stuck on the road near Mingo Point outbound before the bridge had been an annoyance for six weeks, and he requested it be removed.
- The presentation to the Safety and Enforcement committee from the Fire Chief about improvements in emergency services, including training for KICA security in minimal emergency techniques.
- Concerns about new yellow road buttons causing tire blowouts due to their placement outside the yellow line, raising safety issues.
- As a member of the building committee for the Municipal Center and having worked with LS3P, he could not have been less impressed with an architectural firm.

Maura McIlvain – 146 Blue Heron Pond Road

Ms. McIlvain commented on the following:

- Dissatisfaction was expressed with LS3P regarding delays in delivering a comprehensive plan that is now significantly overdue.
- If there would be an announcement on the new assignment to the ARB Joint Taskforce to replace Council Member Heidingsfelder.

- A presentation by MUSC to Seabrook on the building project, indicating a readiness to proceed that seemed contradicted by later developments.
- Assumptions made after the update on mediation discussions potentially involving community rights and interests that need to be considered.
- Addressing the terms of service for council people, suggesting that a four-year term is appropriate due to the workload and the need for council members to be up to speed with community issues.
- Discussion on enforcing an ordinance requiring the covering of dumpsters and trucks to prevent debris from falling out, with suggestions on improving enforcement strategies.

Carol Medendorp – 4555 Parklake Drive

Ms. Medendorp expressed her concerns about the excessive number of chairs, tables, umbrellas, and boxes on the beach, emphasizing the importance of preserving the beach's beauty for both humans and wildlife.

Mark Permar - 81 Dungannon Hall

Speaking as a long-time resident and property owner, Mr. Permar expressed his appreciation for the efforts of those who run for office or volunteer to make a difference in the community despite not always agreeing with them.

XI. Council Member Comments:

Council Member Heidingsfelder thanks Mr. Prickett for his commentary, which closely matches what he already said. He recommended that the remaining Council Members consider not banning Shibumis and consider banning iKiawah to help reunite the community. The foremost recommendation was that the Council consider traffic management as a priority, sharing personal observations of high vehicle counts in certain areas and suggesting the three-tier proposal he made in July 2023 to mitigate traffic, which included limiting construction activities before and after holidays to reduce congestion.

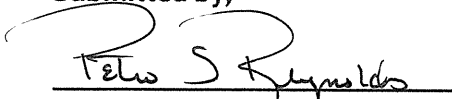
Council Member Heidingsfelder discussed the upcoming election on November 5, emphasizing the importance of voting and highlighting an outstanding candidate with extensive community service experience. Because this island deserves higher resident participation in the council voting process than seen in the past, he hoped that the combination with the general election would help to attract a large number of voters.

Council Member Kaye addressed the question on the ARB Workgroup, stating that after a series of discussions, Ms. Diana Mezzanote was appointed to replace Council Member Heidingsfelder. She mentioned that Ms. Sandy Devine had also been attending the ARB meetings to gain a solid understanding of the ARB's processes and procedures. She noted that no further Town representatives would be added as the transition to KICA approaches. Additionally, there was a commitment to address enforcement issues related to "roll-ups" upon return to the island.

XII. Adjournment:

Council Member Heidingsfelder made a motion to adjourn the meeting at 4:36 pm. Council Member Farrell seconded the motion, and it was unanimously approved.

Submitted by,


 Petra S. Reynolds, Town Clerk

10/2/2024
 Date