

MAYOR:
Bradley D. Belt

TOWN ADMINISTRATOR:
Stephanie Tillerson

TOWN ATTORNEY:
Stafford J. McQuillin III



MAYOR PRO TEMPORE:
Russell A. Berner

COUNCIL MEMBERS:
E. Luke Farrell
Madeleine Kaye
Vacant

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

AGENDA

- I. **Call to Order:**
- II. **Pledge of Allegiance**
- III. **Roll Call:**
- IV. **Approval of Minutes:**
 - A. Minutes of the Town Council Meeting of September 10, 2024 [Tab 1]
- V. **Citizens Comments (Agenda Items Only):**
- VI. **Updates:**
 - A. Mayor
 - B. Council Members
 - C. Administrator
 - a. Finance Director - Monthly Budget Report [Tab 2]
 - b. Conservation Director – Wildlife and Environmental Update
- VII. **Discussion:**
 - A. Discussion of Beach Safety Issues and the Enforcement of Town Ordinances on the Beach
 - B. Discussion and Potential Action on EV Charging Station Operations and Fees [Tab 3]
- VIII. **Old 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 - **Second and Final Reading** [Tab 4]
- IX. **New Business:**
 - A. To Approve and Authorize the Mayor to Enter into the East Beach Club Operations Agreement [Tab 5]
 - B. To Consider Approval of **Resolution 2024-04** - to Adopt a Gift Policy for Municipal Officers and Employees [Tab 6]
- X. **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 mediation with Kiawah Resort Associates - Upper Beachwalker, Lower Beachwalker, Cape Point Road, CASE NO. 2024-CP-10-03809, CASE NO. 2024-CP-10-00491, and CASE NO. 2024-CP-10-03812.

The Council may take action after the Executive Session.

*Each speaker shall be limited to five minutes. No more than 30 minutes shall be allowed for citizen presentations, comments, and/or questions, and the time shall be divided equally among those requesting to speak.

FOIA: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island

- XI. Citizens Comments:
- XII. Council Member Comments:
- XIII. Adjournment:

*Each speaker shall be limited to five minutes. No more than 30 minutes shall be allowed for citizen presentations, comments, and/or questions, and the time shall be divided equally among those requesting to speak.

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TAB 1

TOWN COUNCIL

Agenda Item

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 seize their beach operation. He also discussed making a change to 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

Date



TAB 2

TOWN COUNCIL

Agenda Item



Memorandum

TO: Mayor and Town Council Members

FROM: Dorota Szubert, Finance Director

SUBJECT: Budget Report for the First Two Months Ended 8/31/2024

DATE: October 1, 2024

Overview:

Overall, for the first two months the Town's consolidated revenues totaled \$2.1M, representing \$1.3M, 60%, increase compared to YTD totals for last fiscal year, FY2024. This amount accounts for 14% of the total budgeted revenues for the current year. All the revenues are as expected at the beginning of the fiscal year and since this report is prepared on a cash basis, the majority of tourism generated revenues reflect only one month of collection. The primary contributors to this positive variance include building permits, business licenses and environmental services. When comparing the same period last year, building permit revenues show an increase of \$183K, or 185%. We issued 217 permits this year, compared to 440 through August 31, 2023, however, the significant rise in construction cost has also led to increased permit fees. Additionally, we have issued approximately 160 more business licenses resulting in an increase of \$322k, or 311% over last year. Environmental fees have risen by \$278K, or 51% reflecting in an increase in annual garbage collection fees.

At the end of August 2024, the expenditures amount to \$1.9M representing \$328K, or 21% increase compared to fiscal year FY2024. This accounts for 13% of the current year's budget. While expenditures are generally in line with the budget, several line items have seen notable increases from last year:

- Employee Cost: Increased \$165K, or 33% from last year due to an increase in FTEs and annual salary increases.
- Public Safety/Off Duty Deputies: Increased by \$66k, or 138%, primarily due to a 38% increase in hourly rate to \$55, approved in February 2024.
- Waste Management: Increased by \$244K, or 234% driven by increased contract cost for garbage collection by Trident Waste.
- Professional Services: Increased by \$61K, or 158% reflecting a higher number of legal service engagements.

Town of Kiawah Island
 Budget to Actuals
 For the Two Months Ended 8/31/24
 Modified Cash Basis /Unaudited

Fiscal 2025

FY2025 VS FY2024

Revenue:	Fiscal 2025				FY2025 VS FY2024		
	Y-T-D ACTUALS	TOTAL BUDGET	VARIANCE	% OF BUDGET	FY2024 Y-T-D	\$ VARIANCE	% VARIANCE
Building Permits	\$ 282,123	\$ 1,300,000	\$ (1,017,877)	22%	\$ 98,996	\$ 183,127	185%
Business Licenses	425,626	3,350,000	(2,924,374)	13%	103,482	322,144	311%
STR Application Fees	6,450	400,000	(393,550)	2%	4,650	1,800	39%
Franchisee Fees	-	970,000	(970,000)	0%	50,000	(50,000)	-100%
Local Option Tax	112,033	900,000	(787,967)	12%	101,803	10,230	-
State ATAX	-	3,000,000	(3,000,000)	0%	-	-	-
Local ATAX	-	1,500,000	(1,500,000)	0%	-	-	-
County ATAX	-	612,000	(612,000)	0%	-	-	-
Hospitality Tax	103,189	900,000	(796,811)	11%	100,794	2,395	2%
Environmental Services	823,839	1,068,000	(244,161)	77%	545,975	277,864	51%
Interest	361,271	1,200,000	(838,729)	30%	305,826	55,445	18%
Other	14,751	267,012	(252,261)	6%	16,696	(1,945)	-12%
Total Revenue	2,129,282	15,467,011	(13,337,729)	14%	1,328,222	801,060	60%
Expenses:							
Salaries/Regular Employees	419,891	2,478,883	(2,058,992)	17%	343,590	(76,301)	-22%
Overtime	1,106	11,700	(10,594)	9%	270	(836)	-310%
Benefits	205,086	859,225	(654,139)	24%	129,734	(75,352)	-58%
Payroll Tax	40,315	226,950	(186,635)	18%	28,081	(12,234)	-44%
Employee Subtotal	666,398	3,576,758	(2,910,360)	19%	501,675	(164,723)	-33%
Public Safety/Payroll and Related/ Off Duty Deputies	115,317	703,779	(588,462)	16%	48,354	(66,963)	-138%
STR Code Enforcement	32,448	389,376	(356,928)	8%	32,448	-	0%
Beach Patrol	48,667	584,000	(535,333)	8%	48,667	-	0%
Utilities & Supplies	24,102	259,800	(235,698)	9%	33,403	9,301	54%
Communications	17,436	84,724	(67,288)	21%	17,216	(220)	0%
Waste Management	347,859	2,107,000	(1,759,141)	17%	104,203	(243,656)	-234%
Insurance	222,951	224,940	(1,989)	99%	189,895	(33,056)	-17%
Professional Services	98,118	515,000	(416,882)	19%	38,061	(60,057)	-158%
Consultants	6,288	362,150	(355,862)	2%	44,122	37,834	86%
Maintenance	199,319	599,000	(399,681)	33%	153,682	(45,637)	-30%
Travel	3,514	100,650	(97,136)	3%	2,594	(920)	-35%
Rentals	7,998	40,000	(32,002)	20%	6,109	(1,889)	-31%
Tourism & Receptions							
SATAX Recipients	7,248	2,962,274	(2,955,026)	0%	248,211	240,963	97%
Other	63,158	805,900	(742,742)	8%	71,838	8,680	12%
Contributions	-	200,000	(200,000)	0%	-	-	0%
Other	15,832	343,520	(327,688)	5%	8,530	(7,302)	-86%
Capital Outlay:							
Building	-	25,000	(25,000)	0%	-	-	0%
Infrastructure	-	-	-	-	-	-	0%
Vehicles	-	35,000	(35,000)	0%	-	-	0%
Other	-	50,000	(50,000)	0%	-	-	0%
MUSC Pledge	-	200,000	(200,000)	0%	-	-	0%
Total Expenses	1,876,653	14,168,871	(12,292,218)	13%	1,549,008	(327,645)	-21%
Net Changes in Fund Balance	\$ 252,629	\$ 1,298,140	\$ (1,045,511)		\$ (220,786)	\$ (473,415)	



TAB 3

TOWN COUNCIL

Agenda Item



Request for Town Council Action

TO: Mayor and Town Council Members

FROM: Michael Nardelli, Operations Manager

SUBJECT: EV Charging Stations Fee Analysis

DATE: October 1, 2024

BACKGROUND:

In April's Town Council meeting, the Town Council approved the purchase and installation of two dual port Blink EV charging stations here at the Municipal Center. The Town Council also voted to provide the service to the community for free for 90 days until we can track more data on how they will be used. Since the completion of the project on June BLINK the chargers have been used for a total of over 740 hours and have provided over 4,851 kWh of power. In 90 days, we have saved 36,675 barrels of oil, saved 873 gallons of fuel, and ultimately reduced 17,457 lbs. of CO2 emissions.

ANALYSIS:

Now that we have exceeded 90 days and have collected all the data, it is time again to review and revisit a possible fee structure. There are many options for this as charging per hour, per kilowatt used, establishing idle fees, etc., but here are a few options to think about.

1. Charge just the cost of electricity at 16 cents per kilowatt hour.
2. Charge per kilowatt hour of use at a justifiable market rate of 40 cents to cover our electricity cost and to break even with the maintenance of the stations. This would cover what Berkeley Electric is charging us but also cover our cost of \$960 a year in warranty and network fees.
3. Charging per kilowatt hour of use at a fair justifiable market of 25 cents to cover our electricity costs and help offset the maintenance of the stations.
4. Residents of the Island: Charge by usage: \$0.16/kW + idle fee of \$3/hour that they are plugged in past charging to encourage moving their vehicle.
Visitors- \$2/hour + \$3/hour idle fee once the charging session is completed (in this case, they will be billed \$5 when the car is done charging every hour until it is moved).

ACTION REQUESTED:

Town staff is recommending to the Town Council option 3 with the establishment of an idle fee.

BUDGET & FINANCIAL DATA:

The portion of our cost can be funded either from restricted or the general fund.



TAB 4

TOWN COUNCIL

Agenda Item

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

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 9 - Building and Building Codes, and;

WHEREAS, the Town wishes to amend the current Chapter 4. – Permits, Licenses and Fees, Division 3. Fees, Section 9-115. – Schedule of Permit Fees, and;

WHEREAS, the Town’s Building Department, upon further review, now finds that it is prudent to implement a fair and reasonable increase in the Town’s permit fees, and;

WHEREAS, the Town of Kiawah Island Town Council now wishes to amend Article 9 – Buildings and Building Codes, Chapter 4. – Permits, Licenses and Fees, Division 3. – Fees, Section 9-215. – Schedule of Permit Fees to adjust the Schedule of Permit Fees.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 **Purpose**

The purpose of this Ordinance is to amend Article 9 – Buildings and Building Codes, Chapter 4. – Permits, Licenses and Fees, Division 3. – Fees, Section 9-215. – Schedule of Permit Fees to incorporate a revised Schedule of Permit Fees.

Section 2 **Ordinance**

The Town hereby amends Article 9 – Buildings and Building Codes, Chapter 4. – Permits, Licenses and Fees, Division 3. – Fees, Section 9-215. – Schedule of Permit Fees as follows:.

Section 9-215. – Schedule of Permit Fees

The permit fees subject to this chapter shall be computed in accordance with the current Schedule of Permit Fees, designated as Exhibit B, which may be amended from time to time by the Council.

Schedule of Permit Fees

1. Administrative Fees	Fee
Processing Fee	\$30.00

2. Contractor License/ Registration Fees	
License/ Registration Application Fee	\$55.00
License / Registration Fee	\$55.00 '
Annual License/ Registration Renewal Fee	\$55.00
Change License or Registration classification (other than at renewal time)	\$30.00
Total Valuation	Fee
\$1,000 and less	\$75.00
\$1,000 to \$2,000	\$75.00 for the first \$1000.00 + \$6.00 per \$1000.00
\$2,001 to \$50,000	\$81.00 for the first \$2000.00 + \$6.00 per \$1000.00
\$50,001 to \$100,000	\$368.40 for the first \$50,000.00 + \$6.00 per \$1000.00
\$100,001 to \$300,000	\$667.80 for the first \$100,000.00 + \$6.00 per \$1000.00
\$300,001 to \$500,000	\$1867.20 for the first \$300,000.00 + \$6.00 per \$1000.00
\$500,001 and above	\$3066.60 for the first \$500,000.00 + \$6.00 per \$1000.00
3. Permit Fees Based on Construction Valuations for All Permits Except For Those Listed In 4 through 8 Below	
4. Mechanical Permit Fees	
Fees for inspecting heating, ventilating, ductwork, air conditioning, and refrigeration and for repairs, alterations, and additions to an existing system shall be per the fee schedule for permits based on construction valuations.	Based on the building permit fee schedule.
5. Electrical Permit Fees	
New or Upgrade Service and alterations or additions on the load side of the existing meter and connection to existing service or safety inspection and electrical load at each meter location (expressed in amperes), up to 200 amps.	\$80.00 plus \$0.15 per each additional amp
6. Gas Permit Fees	
The permit fee for the consumer's gas piping at one location (including both rough and final piping).	\$75.00, plus \$5.00 for each outlet
7. Plumbing Permit Fees	
The permit fee for plumbing systems shall be:	\$75.00
(a) Additional fixture permit fees are as follows:	
(1) For each building/ unit sewer or water service, or replacement/ repair, for installation, alteration, or repair	\$5.00 each

	of water piping and/or water treating equipment and repair or alteration of drainage or vent piping.	
8. Inspection Fees		
	(2) Re-inspection. When a re-inspection fee is required, an additional fee will be charged for each inspection.	\$250.00
	(3) Minimum Permit or Inspection fee	\$75.00
	(4) Floodplain Management Compliance Inspection	\$85.00
9. Fees		
	(1) Plan Review Fees	Half of the permit fee
	(2) Construction in Flood Zones/ Filing Fee Note: Flood zone filing fees are required to be charged per the following: When a Flood Zone Filing Fee is charged: <ul style="list-style-type: none"> • Change in footprint • Substantial improvement • Change in use • Any new construction to build a building or structure in the Special Flood Hazard Areas • Performing new work below the existing first-floor level in a structure or building • Modifying or improving a building or structure below the freeboard/base flood elevation requirement. • Other construction activity such as pump stations, service poles, HVAC change-outs requiring unit relocation, potential obstructions in "V" flood zones, breakaway walls (enclosures) in "V" flood zones. • Flood zone filing fee should <u>not</u> be charged for subsequent permits on a structure where there is an active permit. • <i>Any questions regarding zone filing fees should be directed to the Assistant Building Inspection Services Director or the Commercial Plans Reviewer at 843-768-9166.</i> 	\$25.00
	(3) Appeal Application Fee	
	Note: Application fees for appeals successfully granted by the Construction Board of Adjustment & Appeals shall be reimbursed to the applicant.	\$250.00
	(4) Vehicle Decal Fee	\$10.00
	(5) Annual Vehicle Decal Renewal Fee	\$5.00

Section 3 Severability

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance

shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances, or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 4 Effective Date and Duration

This Ordinance shall be effective upon its enactment by the Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 1ST DAY OF OCTOBER 2024.

Bradley D. Belt, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: September 10, 2024

2nd Reading: October 1, 2024



TAB 5

TOWN COUNCIL

Agenda Item

BEACH OPERATIONS AGREEMENT

AGREEMENT, entered into this XX day of XXX, 2024, by and between the **Town of Kiawah Island** (hereinafter the "Town") and **Kiawah Island Club Holdings, LLC** (hereinafter the "Beach Club").

WHEREAS, the Town has authority over and responsibility for activities seaward of the 40-year setback line established by the SC Department of Ocean and Coastal Resource Management;

WHEREAS, Sec. 16-302. **Essential vehicular traffic**, prohibits certain vehicular traffic on the beach unless permitted by the Town;

WHEREAS, Sec. 16-805. **Overnight storage of beach equipment prohibited**, prohibits the overnight storage of beach equipment seaward of the 40-year setback line unless permitted by the Town;

WHEREAS, Sec. 16-814. **Commercial activities restricted**, prohibits certain commercial activities seaward of the 40-year setback line unless under license from the Town;

NOW, THEREFORE, the parties hereby mutually agree that Beach Club may provide services to its Members under permission and license from the Town subject to the terms and conditions set forth below, providing only those items listed in **Exhibit "B"** and selling those items listed in **Exhibit "C"** to this agreement:

1. **TERM AND TERMINATION:** This initial agreement shall commence on the X day of XX 2024 and expire on the 31 day of March 2026. This Agreement may be terminated with or without cause by either party in whole or in part at any time with thirty (30) days' written notice; provided, however, if the Town wishes to terminate the Agreement due to a breach or violation by the Beach Club, it must first provide written notice to the Beach Club detailing the nature of the breach or violation. The Beach Club shall have fifteen (15) days from receiving such notice to remedy such breach or violation. If the breach or violation is remedied within this period to the Town's satisfaction, at its sole discretion, the Agreement will continue as per its original terms. If the breach or violation is not remedied, the Town has the right to immediately terminate this Agreement, which termination shall be effective upon the Town's delivery of written notice of such termination to the Beach Club.

For the avoidance of any doubt, if this Agreement is terminated, the Beach Club shall cease all operations hereunder. The Beach Club expressly acknowledges that failure to cease all operations hereunder shall subject the Beach Club to fines, penalties, or any other action that the Town is authorized to implement or

otherwise impose in accordance with relevant provisions of the Town's Code of Ordinances.

2. **HOURS OF OPERATION:** The Beach Club may conduct Club member activities (as defined herein) within the beach area seven (7) days per week between 8:00 AM and 7:00 PM.
3. **VEHICLES:** The Beach Club may bring onto the beach only those vehicles necessary to provide services to Club Members. Operation of such vehicles shall otherwise comply with any and all Town ordinances.
4. **EQUIPMENT:** Beach equipment shall be limited to those items in Exhibit "B."
5. **AREA OF OPERATION:** Beach Club operations may not extend into the dunes or on any land located within the area twenty (20) feet seaward of the toe of the primary dune in the following area:
 - A. The area of beach in front of the Beach Club located between the western boundary (-80.044175 longitude and 32.608671 latitude) and eastern boundary (-80.042899 longitude and 32.608877 latitude) on the attached map **Exhibit "A."**
 - B. A buffer zone of 25 yards shall be maintained on either end of the boundary of the operation area inward on their property. No Beach Club operation shall be conducted within this buffer zone.

6. CONDUCT OF OPERATION

A. The Beach Club setup operations:

No more than the following items are allowed.

- Lounge Chairs: 200
- Armchairs: 60
- Beach stands: 1
- Tables: 105
- Umbrellas: 150
- Towel station: 2
- Trash receptacle: 5
- Beach storage box: 4

Holiday Adjustments: During Easter, Memorial Day, Fourth of July, and Labor Day weekends, the following adjustments can be made:

- Lounge Chairs: Increased to 290
- Armchairs: Increased to 160
- Beach Stands: Increased to 2

B. Service Provision by Beach Club and Employees:

- Attendants shall be stationed at the Beach Club boardwalk access points designated by the Club within the Area of Operation.
- No more than 200 lounge chairs (or 290 lounge chairs during the holiday adjustment period) may be stored overnight on the beach. Lounge chairs stored overnight must be stacked, secured, and aligned seaward of the dune line. All other equipment must be removed from the beach at the end of each day and not stored in the dunes.
- All Town Beach Regulations and Ordinances must be adhered to, including the Town’s Plastic Ordinance, Chapter 4, Regulation of Single-Use Plastics. dunes.
- All trash and debris must be removed from the Area of Operation at the end of each day.
- The Beach Club and its employees acknowledge that the beach is public. Guests, visitors, property owners, or other persons have priority over the Club’s interest in placing setups. The Club and its employees shall not request anyone on the beach to move or relocate for its operation unless such persons are using the Club's services or facilities without authorization.

C. Operational Adjustments:

The Beach Club shall alter or amend its operations whenever the Town determines that the Club's services or actions interfere with the quiet enjoyment of persons on the beach.

7. **BEACH OPERATION FEE:** During the term of this agreement, including any renewal terms, the Beach Club shall pay the town an annual Beach Operation Fee of \$3,895. This payment shall be made no later than December 31st of each year.

8. **INSURANCE:**

The Beach Club shall carry and maintain the following insurance policies:

- **Worker’s Compensation Insurance:** In statutory amounts.
- **Comprehensive General Liability Insurance:** Endorsed to include product and completed operations and contractual liability, with a minimum coverage of \$1,000,000 combined single limit.
- **Automobile Liability Insurance:** With minimum limits of \$500,000/\$1,000,000 or \$1,000,000 combined single limit.

Each policy shall stipulate that it cannot be canceled or changed without at least ten (10) days prior notice to the Town. The Town of Kiawah Island shall be included as a named insured on the comprehensive general liability policy. The Beach Club shall provide the Town with a Certificate of Insurance (COI) evidencing coverage.

9. INDEMNIFICATION:

A. The Beach Club shall defend, indemnify and hold harmless the Town, its officers, directors, agents and employees from and against any and all actions, costs, claims, losses, expenses and/or damages, including attorney's fees, whether incurred prior to the institution of litigation, during litigation or on appeal arising out of or resulting from the conduct of any commercial activity hereby authorized or the performance of any requirement imposed pursuant by this agreement, however caused or occasioned, unless caused by the willful misconduct or gross negligence of the Town.

B. The Beach Club shall further indemnify the Town, its officers, directors, agents and employees from and against any and all actions, costs, claims, losses, expenses and/or damage including attorney's fees, whether incurred prior to the institution of litigation, during litigation or on appeal, for or arising out of any bodily injuries to or the death of any of Beach Club employees working at the specified location of operation during the specified hours of operation which may occur, however, caused or occasioned, unless caused by the willful misconduct or gross negligence of the Town.

10. NO AGENCY CREATED: The parties hereto intend that no master/servant, employer/employee, or principal/agent relationship will be created by this agreement. Nothing contained herein creates any relationship between the Beach Club and the Town other than that which is expressly stated herein. The conduct and control of the agents and employees of the Beach Club and the methods utilized by the Beach Club in fulfilling its obligations hereunder shall lie solely and exclusively with the corporation and its agents, officers, and directors. The Beach Club employees shall not be considered agents or employees of the Town for any purpose. No person employed by the Beach Club shall have any benefit, status, or right of employment with the Town.

11. EFFECTIVE DATE: This agreement shall become effective upon approval by the Mayor.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

TOWN OF KIAWAH ISLAND

By: Bradley D. Belt
Its: Mayor

KIAWAH ISLAND CLUB HOLDINGS, LLC

By: XX
Its: President

DRAFT

EXHIBIT A

Map of a portion of Kiawah Island, South Carolina showing the location and boundaries of the Beach Operations Agreement area for the Kiawah Island East Beach Club



Western Boundary
32.608671, -80.044175

405 feet

Eastern Boundary
32.608877, -80.042899

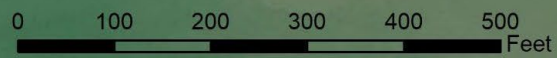


EXHIBIT "B" TO BEACH OPERATION AGREEMENT

The following is a list of Equipment, Materials, and Supplies allowed on the beach by the Beach Operation Agreement.

- Lounge Chairs: 200
- Armchairs: 60
- Beach stands: 1
- Tables: 105
- Umbrellas: 150
- Towel station: 2
- Trash receptacle: 5
- Beach storage box: 4

Holiday Adjustments: During Easter, Memorial Day, Fourth of July, and Labor Day weekends, the following adjustments can be made:

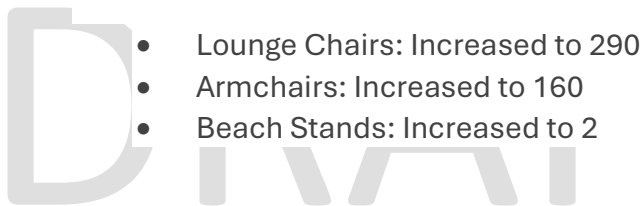
- 
- Lounge Chairs: Increased to 290
 - Armchairs: Increased to 160
 - Beach Stands: Increased to 2

EXHIBIT "C" TO BEACH OPERATION AGREEMENT

The following is a list of products the Beach Club may sell and/or deliver on the beach to Club Members at a stationary location.

Food and Snacks
Non-Alcohol and Alcohol Beverages

The Beach Club shall take all appropriate and necessary steps to ensure that any beverages sold meet applicable public health standards and Town Ordinance and that no used beverage containers remain on the beach.

DRAFT



TAB 6

TOWN COUNCIL

Agenda Item

THE TOWN OF KIAWAH ISLAND

RESOLUTION 2024-04

A RESOLUTION ADOPTING A GIFT POLICY PERTAINING TO MUNICIPAL OFFICERS AND EMPLOYEES OF THE TOWN OF KIAWAH ISLAND

WHEREAS, the Town Council of the Town of Kiawah Island, South Carolina (“Town Council”) seeks to establish standards that define acceptable behaviors and practices for the receipt of gifts by municipal officers and employees;

WHEREAS, the Town Council is dedicated to preserving the integrity of municipal operations and public trust by setting specific criteria and limitations for accepting gifts, which outline prohibited actions and define acceptable conditions;

WHEREAS, the proposed gift policy (the “Gift Policy”) aims to specify which gifts are acceptable and which are not and establishes a transparent process for evaluating the appropriateness of received gifts to ensure the ethical conduct of municipal officers and employees; and

WHEREAS, the Town Council finds it necessary and prudent to adopt the Gift Policy as set forth herein.

NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS RESOLVED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Resolution

The Gift Policy, attached hereto as **Exhibit A** and incorporated herein by this reference, is hereby adopted and shall come into full force and effect upon the Effective Date as defined below.

Section 2 Effective Date and Duration

This Resolution shall become effective on the date of passage of the resolution by the Town Council (the “Effective Date”).

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 1ST DAY OF OCTOBER 2024.

Bradley D. Belt, Mayor

Petra S. Reynolds, Town Clerk

TOWN OF KIAWAH ISLAND GIFT POLICY

- (A) No municipal officer or employee may directly or indirectly solicit any gift.
- (B) No municipal officer or employee may accept or receive from a person or organization any gift of any value when:
 - (1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
 - (2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - (3) the gift is intended as a reward for any official action on the part of the officer or employee.
- (C) For purposes of this Policy, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket or pass entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket or pass, the amount which any other person would be required to pay for the ticket or pass, or the actual cost to the donor, whichever is greater.
- (D)
 - (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks or is reasonably likely to seek municipal action involving the exercise of discretion by or with the participation of the officer or employee.
 - (2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained the benefit of municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.
- (E) Under this Policy, a gift does not include, and therefore this Policy does not prohibit, any other gift, including:
 - (1) gifts made to the municipality;
 - (2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
 - (3) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

- (4) non-monetary awards and plaques that are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or
- (5) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional program, board meeting, educational conference, or a widely attended gathering, and the meals and refreshments are made available to all participants.

(F) For the purposes of this Policy, the terms "municipal officer" and "employee" include public employees, public members, and public officials, as defined below, who are associated with the Town of Kiawah Island.

- (1) "Public employee" means a person employed by the State, a county, a municipality, or a political subdivision thereof.
- (2) "Public member" means an individual appointed to a noncompensated part-time position on a board, commission, or council. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services.
- (3) "Public official" means an elected or appointed official of the State, a county, a municipality, or a political subdivision thereof, including candidates for the office. "Public official" does not mean a member of the judiciary.

(G) Reporting and Compliance:

- (1) Any questions or concerns regarding this Gift Policy or its application should be reported to the Town Attorney.
- (2) All municipal officers and employees covered by this policy must sign an acknowledgment of this Gift Policy annually. This acknowledgment should be emailed to the Town Administrator.
- (3) Failure to comply with this Gift Policy may result in sanctions as determined by a majority vote of the Town Council. While only the Governor has the authority to remove town council members from office, they may face sanctions from their fellow Council members. For other municipal officers and employees, non-compliance may lead to action in accordance with the Town's procedures.

(H) If any provision of this Policy or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Policy which can be given effect without the invalid provisions or application, and to this end, the provisions of this Policy are declared to be severable.