MAYOR:
Bradley D. Belt

TOWN ADMINISTRATOR:
Stephanie Tillerson

TOWN ATTORNEY:
Stafford J. McQuillin III

TOWN OF
Kiawah Island
ESTABLISHED
1988

MAYOR PRO TEMPORE:
Russell A. Berner

COUNCIL MEMBERS:
Dr. Michael Heidingsfelder
E. Luke Farrell
Madeleine Kaye

TOWN COUNCIL

Municipal Center Council Chambers
September 10, 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 Special Call Hearing of July 2, 2024 **[Tab 1]**
B. Minutes of the Town Council Meeting of July 2, 2024 **[Tab 2]**
C. Minutes of the Town Council Special Call Meeting of August 2, 2024 **[Tab 3]**

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.

VI. Citizens Comments (Agenda Items Only):

VII. Updates:

A. Mayor
B. Council Members
C. Administrator
a. Monthly Budget Report **[Tab 4]**

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*** **[Tab 5]**
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*** **[Tab 6]**

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*** **[Tab 7]**
B. To Approve and Authorize the Mayor to Enter into the East Beach Club Operations Agreement **[Tab 8]**

*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

C. To Consider Approval of ***Resolution 2024-04*** - to Adopt a Gift Policy for Municipal Officers and Employees **[Tab 9]**

D. To Consider Approval of the CARTA (Charleston Area Regional Transportation Authority) Fiscal Year 2025 Budget **[Tab 10]**

E. To Consider Approval of the Contract Amendment with LS3P for Additional Costs on the KiawahNext Comprehensive Plan **[Tab 11]**

F. To Consider Approval of the Amendment to the Arts and Cultural Events Council Charter **[Tab 12]**

X. Citizens Comments:

XI. Council Member Comments:

XII. 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.

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.

TAB 1

TOWN COUNCIL

Agenda Item

TOWN COUNCIL
Special Call Hearing
Municipal Center Council Chambers
July 2, 2024; 11:30 am

Minutes

I. **Call to Order:** ***Mayor Belt called the meeting to order at 11:30 am.***

II. **Roll Call:**

Present at the Meeting:	Bradley Belt, *Mayor* Russell Berner, *Mayor Pro Tem* Michael Heidingsfelder, *Council Member* Luke Farrell, *Council Member*
Absent:	Madeleine Kaye, *Council Member*
Also Present:	Stephanie Tillerson, *Town Administrator* Mac McQuillin, *Town Attorney* Michael Sosnowski, *Code Enforcement Officer* Mary & Charlie Wilson, *Property Owners* Mark Maniscalco, *Wilson's Attorney* Roger Warren, President, *Kiawah Island Golf Resort*

Mr. McQuillin stated that the purpose of the hearing was to uphold the suspension or consider the proposed revocation of Short-Term Business License Number RBL20-000387 held by Kiawah Island Golf Resort (KIGR) for the rental property at 385 Green Winged Teal owned by Mary Wilson. Under Section 14-509 of the Town's Municipal Code, any property with three violations of this chapter during any twelve-month rolling period and found guilty by admissions or by the Municipal Court Judge will be considered cause for license revocation.

Mr. McQuillin reviewed the hearing process, which included all parties having the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The town and the license holder/owner will make presentations, and then the Council will render its decision. The Council has the option to uphold the suspension and revoke the license, reject the suspension and the proposed revocation, or reject the suspension and proposed revocation but place conditions on the license. If the decision is appealed, it must be filed in writing with the Town Clerk within 30 days of receiving the written decision, and the Council will consider the appeal in an open hearing within 30 days after receipt of the request.

After the review, Mr. McQuillin swore in those giving testimony on behalf of the Town and property owner.

III. **New Business:**

A. Business License Revocation Hearing for 385 Green Winged Teal Road

Mr. Sosnowski provided a presentation that included photographs and information relating to the three vehicle parking limitations at the short-term rental property at 385 Green Winged Teal Road. During the course of one week, three violations of Ordinance 14-506(d) - Maximum number of vehicles and Ordinance 14-506(d)(5) - Oversize vehicles were observed and documented, with each violation sent by email to the authorized agent either on the night it occurred or the following morning. Despite written and verbal notifications made to the authorized agent, it was noted that the violations had not been resolved, and citations were issued for each offense. The citations were sent via Certified Mail to the authorized agent and the property owner.

- **First Offense**
  - 04/16/2024
  - Citation Number: 7201
  - Ordinance 14-506(d) - Maximum number of vehicles
- **Second Offense**
  - 04/16/2024
  - Citation Number: 7202
  - Ordinance 14-506(d)(5) - Oversize vehicles
- **Third Offense**
  - 04/18/2024
  - Citation Number: 7203 issued 04/19/2024
  - Ordinance 14-506(d) - Maximum number of vehicles

Council Members engaged in an in-depth discussion of the notification process when a citation is issued, noting a delay of more than 40 days in the delivery of the notification to the property owner, that all the citations were issued within one week and to one renter, and that other than a violation in July 2023, there were no other violations in the last twelve months.

Mr. Maniscalco stated that the April incident should be considered an isolated incident, considering there were three violations within such a short period of time. He pointed out that the Wilson's have owned the property under Talking Stick, LLC for 3.5 years without incident and are considered to be good neighbors, noting their involvement in the communities where they reside.

During his presentation, Mr. Maniscalco called attention to the following points:

- Errors with the notification process that was followed,
- The prior revocation of a business license, which was much more egregious,
- The payment of the citations prior to the court date without Wilson's knowledge,
- The vetting process in place for short-term rentals,
- A letter sent to the Town Council from the Wilson's and Talking Stick, LLC,
- An outline of the money that would be lost in a 12-month revocation and
- Had the Wilsons received notice sooner, they would have addressed the problem in an appropriate period of time.

Mr. Wilson added that, as members of Talking Stick, LLC, we respected all the rules expected of property owners and the rules for short-term rentals. This was the first incident, and he was frustrated with the lack of notice.

Mr. Warren spoke about the role that the Resort played, acknowledging that the Resort did not communicate that fines were paid because, ultimately, it was responsible for them as the agent. Being recognized as the organization that sets the example for how short-term rentals are supposed to be managed, he reviewed the steps taken to mitigate this unique situation, what was learned from this transaction that will apply going forward, and that the Resort takes very seriously its responsibility to the owners who are on its rental program to protect them and protect their unit from any damage. He felt that, in this case, the Council has the opportunity to do something without removing the owner's license and adjudicate this so that everybody acknowledges their responsibility and moves forward to continue with a very solid participant in the rental program.

Council Member Heidingsfelder made a motion to withdraw the suspension and the proposed revocation of the business license for 385 Green Winged Teal Road. Council Member Berner seconded the motion.

Mayor Belt began the discussion by stating that while he found that there were violations of the Town's Ordinances, that they were properly cited, and that the fines were paid, this set of facts does not give rise to warranting a revocation or suspension of the license. The facts presented have

generated conversations within the staff as to the appropriate circumstances for seeking a suspension or revocation of a license. A set of violations occurring over a couple of days does not really fit within the spirit of three different violations over some 12 months and has revealed some issues with regard to the materiality or graciousness of the violations that have to be discussed from a staff and enforcement standpoint. Separately, there are issues brought up about the requirements, if any, for a property manager to communicate with the property owner.

Council Member Berner stated that three violations in one single calendar week with one individual renter were patently unfair for revocation of the license and that the owner should not be penalized.

Council Member Heidingsfelder stated that the process the Town displayed is proper and would clearly want to encourage the code enforcement officers to continue to enforce Town ordinances. He wished that the people involved could have found a way to resolve the issue before the elevation to a hearing.

Ms. Wilson stated that they abide by all the rules, but the biggest problem was the communication between the Resort and her as the property owner. Moving forward, homeowners should be notified immediately when something, even as trivial as a violation, occurs, noting that a homeowner has a right to know if the home is in jeopardy of losing its business license.

Council Member Farrell agreed with the comments. His takeaway was that the Town, the Resort, and the owners had learned some lessons that would benefit all. He also appreciated that code enforcement had done exactly what they were supposed to do but apologized to the homeowners for the distress that was caused.

Mr. Sosnowski added that the judicial process was a step before a suspension and revocation hearing and felt that there may be a need to better communicate to the rental agencies that paying for a ticket is admitting guilt. Individuals always have the opportunity to come to court to defend their case and specify what steps were taken to alleviate the issue.

Mr. Sosnowski asked if the decision would be a clean slate or include some probationary clause for the property. Council Member Heidingsfelder clarified that it would be a clean slate.

Mayor Belt stated that, from an operational standpoint, the code enforcement team did what they were supposed to do. The lesson learned from the Town's standpoint is that in administering its ordinance, three violations may give rise to the potential cause for suspension or revocation, not the necessity to seek revocation or suspension.

Following the discussion, the motion to withdraw the suspension and the proposed revocation of the business license for 385 Green Winged Teal Road was unanimously approved.

IV. Adjournment:

Mayor Belt adjourned the meeting at 12:22 pm.

Submitted by,

_____

Petra S. Reynolds, Town Clerk

_____

Date

TAB 2

TOWN COUNCIL

Agenda Item

TOWN COUNCIL

Municipal Center Council Chambers
July 2, 2024, 1:00 pm

Minutes

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

II. Pledge of Allegiance

III. Roll Call:

Present at the Meeting:	Bradley Belt, *Mayor* Russell Berner, *Mayor Pro Tem* Michael Heidingsfelder, *Council Member* Luke Farrell, *Council Member*
Absent:	Madeleine Kaye, *Council Member*
Also Present:	Stephanie Tillerson, *Town Administrator* Dorota Szubert, *Finance Director* Mac McQuillin, *Town Attorney* John Taylor, Jr., *Planning Director* Brian Gottshalk, *Public Works Manager* Bruce Spicher, *Building Official*

IV. Approval of Minutes:

A. Minutes of the Town Council Meeting of June 4, 2024

Council Member Heidingsfelder made a motion to approve the minutes of the June 4, 2024, Town Council meeting. Council Member seconded the motion.

Following the notation of some minor typographical errors, the motion was unanimously approved.

V. Citizens' Comments (Agenda Items Only):

Maura McIlvain – 146 Blue Heron Pond Road

Maura McIlvain addressed several topics: she requested materials for the East Beach Club franchise agreement discussion with Kiawah Partner be made public, sought clarification on debris management and disposal, which was to include covering roll-offs on construction sites when not in use and addressing its enforcement, appreciated the codification of a solution for handling council member resignations, and thanked the Council for improving the terms of the Tetra Tech Disaster Monitoring contract.

VI. Update – MUSC – Dr. Patrick Cawley

Dr. Cawley apologized via email for his absence and plans to attend the August meeting in person.

Ms. Tillerson indicated that she had a phone conversation with Dr. Cawley and was able to provide an update on the current status of the MUSC project. She stated the project is still under site plan review with the Town, with the primary pending items being the satisfaction of an encroachment agreement from the Town of Seabrook's and the receipt of a letter from the Freshfields ARB. With confirmation from the landscape architect, Mr. Taylor can proceed with signing off on the site plan once the documents are received. With the site plan approved, the state will handle further building reviews. Dr. Calley anticipates mobilization within 2-3 weeks after receiving the necessary approvals, aiming for a 2025 schedule.

Mayor Belt added that based on a recent conversation with the Mayor of the Town of Seabrook Island, there are no anticipated issues with the encroachment agreement that cannot be resolved promptly. However, it has not been signed off yet.

VII. Updates:

A. Mayor

Mayor Belt provided updates on several ongoing items that continue to be the subject of inquiries to the Town as follows:

- The pending litigation filed on May 10th involving the Town, the Kiawah Conservancy, and the Community Association.
  - An Executive Session is scheduled to receive advice and counsel on the next steps following a counterclaim and motion to compel arbitration.
  - The litigation aims to protect public access to Beachwalker County Park, preserve and protect the highlands of Sam's Spit, and local wildlife habitat.
- Status of the Cape Club parking issue and the site plan review of the Ocean Pines, Cape Road Extension, West End, and Upper Beachwalker projects. - No change in status from the last meeting
  - The Town's Planning Director has issued comment letters
  - The applicant believes that the planning director has erred in making certain determinations
  - The next step would be to seek an appeal from the Board of Zoning Appeals
- Mail delivery services – United States Postal Services (USPS)
  - It is a federal entity - the Town has limited direct responsibility for or authority over the USPS
  - The Town requested improved services and is addressing mail delivery service issues by communicating with the USPS, the Inspector General in Columbia, city and county counterparts, and political representatives
  - The issue is not unique to Kiawah and is a widespread problem caused by broad staffing-related issues.
  - A new postmaster for John's Island began in June
- Efforts to combat the increase in second-generation anticoagulants affecting wildlife, particularly bobcats
  - Reenergizing the Bobcat Guardian Program,
  - Directly reaching out to pesticide providers and various regimes to recommit to the program
  - Legal limitations on regulating pesticide use, but does not preclude potentially private parties, such as KICA (Kiawah Island Community Association), from restricting the use of SGAs (Second Generation Anticoagulant)

B. Council Members

Mayor Pro Tem Berner provided updates on the following:

- Shibumi Sunshades
  - At the Public Safety Committee meeting, Mr. Michael Sosnowski with Beach Patrol indicated they had a sight problem looking down the beach and that it was a safety issue, suggesting getting rid of the Shibumis.
  - The Public Safety Committee unanimously voted to ban Shibumi Sunshades, but it requires gathering more data and information along with further discussion by the Town Council
- Beach Walkover Planking
  - protects the dunes
  - planking system that is movable and rolls ups
  - Suggested it be required to be installed on the beach.
- Measures to improve Beach Patrol truck safety
  - Mr. Sosnowski discussed the Myrtle Beach accident at the Public Safety Committee
  - Similar blind corners at beach access locations where a vehicle is entering the beach

    - Suggested roping-off areas around the beach access aisles to make sure that nobody will be lying down in those areas.
- The implementation of traffic control buttons to prevent accidents at Little Rabbit Lane
- Addressing trash and litter issues in off-leash dog areas, collecting at the high-water mark
- Completed a podcast collaboration with the Lowcountry Land Trust and the Conservancy
- Reports about lights at The Cape facilities shining on the beach, affecting turtle hatchlings
    - A notice has been provided to East West Partners to see how they can get those lights turned off
- The need to raise a flooded bike path on the Parkway

Council Member Farrell followed up on the SATAX meeting discussion of the Charleston Visitor Bureau (CVB) budget being considered for approval later in the meeting. He noted that he was impressed that the CVB brought five representatives to talk about what they do, how they do it, and their budget numbers, along with bringing a lot of data to help support that they are doing an excellent job. Not everyone on the SATAX Committee agreed with some of the directions the CVB was taking, but they seemed to agree that, overall, they were doing a very decent job.

Council Member Heidingsfelder provided comments on the following topics:

- Captain Sam's Spit Litigation
    - In addition to the Mayor's earlier comments, he expressed frustration with South Street Partners' inactivity regarding Captain Sam's and the parking issues of the Beachwalker Drive properties. He emphasized that the response to a lawsuit filed by the community against the Partners to comply with the ARDA (Amended and Restated Development Agreement) was not only frustrating but without substance. They basically declined every topic mentioned in the lawsuit, showing an unwillingness or ability to come to the table to discuss the problems logically and with common sense.
- SGAs
    - He was notified that after KICA consulted with their attorneys, KICA is unable to prohibit the use of SGAs on the island and supported more communication to reenergize the Bobcat Guardian Program along with legal strategies to protect local wildlife.

Council Member Heidingsfelder and Mr. McQuillin discussed what seemed to be misinformation regarding potential lawsuits against residents for engaging in conversations with town officials. He also asked that Ms. Tillerson and Mr. McQuillin provide updates on three topics:

1) The safety issue on the leisure trail to Freshfields, highlighting severe safety risks due to water stagnation after storms, possibly due to drainage problems.
2) The status of Ms. Slater's FOIA (Freedom of Information Act) request – Mr. McQuillin indicated that the documents were ready and had just received her email on how she wanted to receive them
3) What plans are proposed to manage traffic and enforce parking restrictions at the Beachwalker Park area and the East Beach Club entrance, especially during the upcoming July 4th celebrations?

Council Member Heidingsfelder asked that Mayor Belt address the following topics:

1) There have been discussions regarding the provision of a permanent EMS truck in Kiawah, involving Charleston County EMS, St. John's Fire Department, and the need for funding and

organizational support. Despite promises for a proposal on funding from Mr. Eric Watson, no updates have been received. In response, Mayor Belt reviewed the first of the three action items coming out of the meeting, which had been addressed; nothing had been received from the County, but Ms. Tillerson would follow up.

2) The status of the implementation of a conflict-of-interest policy that was discussed in 2023, highlighting the need for a policy that reminds employees and volunteers of its existence and compliance requirements

Council Member Farrell stated that the Public Works department was addressing the flooding issues on the bike path. Mr. Gottshalk had a contractor inspect the drainage system and found the pipes plugged. He is now working on an RFP to solicit bids for the work and is also looking to see if there are County special program funds to help offset the project's cost.

C. Administrator

Ms. Tillerson provided updates on the following:

- The new contract with Trident has resulted in higher garbage collection rates, with bills going out in the second week of this month.
- The KiawahNext project is progressing. The subcommittee is working with staff to potentially have the final draft ready for the Planning Commission by September or October.
- The Town and the Mayor of Seabrook submitted a joint letter for the Segment C Main Road project. The County received over 400 comments and is preparing them for review by the County Council.
- All residential buildings in The Cape, except building 400, have received their CO (Certificate of Occupancy); to date, building 400 was due to coordinating fire alarm and sprinkler inspections. The Club still has a TCO (Temporary Certificate of Occupancy), and the cottages have not received any.
- The lighting issues with the monument sign near the first gate hopefully have finally been resolved
- The landscape project along the westbound side of Beachwalker Drive is complete. The unexpected discovery of existing irrigation on the eastbound side will allow landscaping.
- The current Public Safety Feasibility study conducted by CPSM (Center for Public Safety Management) is ongoing. Data collection is in progress, along with coordinating the meeting with stakeholders.
- For the upcoming holiday weekend, there will be an additional off-duty deputy to help with parking along Beachwalker Drive, along with Beach Patrol and evening code enforcement, who have the ability to issue tickets. With the Town having the ability to have vehicles towed, a towing company has been contracted. Parking issues at the Beach Club would be referred to KICA Security since it is not within the Town's jurisdiction.

Council Members engaged in an in-depth discussion on parking issues on Beachwalker Drive and the Beach Club, especially when a public safety concern arises. They emphasized the need for immediate action in cases blocking emergency access, including contracting a second towing company. They also discussed the potential use of booting as a deterrent.

Mayor Belt followed up on the Segment C project, mentioning a joint letter sent with Seabrook that was sent supporting the county staff's recommendation as a reasonable balancing of competing interests. However, there are indications of potential cutbacks, including reduced road expansion and possibly cutting back the bike path and pedestrian right of way. He noted that further county staff presentations on the comments and additional proposals are anticipated, although not yet scheduled.

VIII. Discussion:

A. Discussion of Town Support of Private Fundraising Activity

Mayor Belt stated that the discussion of the Town's support for private fundraising activities originated specifically from a request to use the Town's logo on a cover letter for a fundraising project related to loggerhead sea turtle research. He raised concerns about the appropriateness of using the Town's logo and being identified as a partner for a project over which the Town had no control. The Town had also recently received requests from a new foundation and the Lowcountry Land Trust and questioned how the Council felt about Town support of private initiatives and whether there should be any criteria established.

The Council debated the merits of showing support through the use of the Town's logo versus other forms of endorsement, with Council Member Heidingsfelder in favor of allowing the use of the Town's logo and supporting the request from the Conservancy and Turtle Patrol, emphasizing the importance of turtle research to the community. Ms. Termin, with the Conservancy, clarified that similar support had been given in the past, but the Turtle Patrol logo could be used on the letter along with the logos from the Seabrook Turtle Patrol, KICA, and the Conservancy. The discussion included input from Mr. McQuillin, who noted that there was no legal prohibition against using the logo but highlighted potential risks, including not being in the business of fundraising and the reputational risks if the funds were misused.

With no clear sense of Council, Mayor Belt stated that it was his view and recommendation not to use the town's logo, but otherwise demonstrated unwavering support for this type of research.

B. Discussion of Screening Requirements of Trash Receptacles for Non-Rental Properties

Council Member Heidingsfelder raised the issue of the differential treatment between short-term rental properties, which are required to screen their trash receptacles, and non-rental properties, which are not subject to the same requirement. Noted was that KICA, in its existing rules and regulations, asks property owners to shield their trash receptacles, but it is not enforced.

Council Members engaged in an in-depth discussion of the fairness and justification of this differential treatment and the potential for the Town to adopt an ordinance requiring all property owners to screen their trash receptacles. However, there were differing opinions on the materiality of the issue and the town's role in enforcing such regulations. The discussion highlighted the need for careful consideration of resource allocation for enforcement and the importance of not overreaching to take over responsibilities that other entities might handle better.

C. Discussion of East Beach Club Franchise Agreement with Kiawah Resort Associates (Kiawah Partners)

Mayor Belt recommended postponing a discussion regarding the East Beach Club franchise agreement with Kiawah Resort Associates until the next meeting. The delay is to address the need for a document aligning the Club's operations with multiple Town ordinances requiring permission for certain activities. Mayor Belt and Council Member Heidingsfelder have engaged in constructive talks with Mr. Nevin from the Club to resolve these issues, and this matter might not require a Council action item if an agreement that complies with the Town's ordinances can be reached.

IX. Old Business:

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

Mr. Spicher stated that during the plan review process, the ordinance would require the submission of additional documentation on structural calculations, some electrical load calculations for services over 600 amps, and isometric or one-line drawings showing branch lines as well as the supply lines for gas installations. The ordinance aims to improve the review process by addressing issues with "cookie-cutter" drawings and ensuring that plans are specific to each project.

Council Member Farrell made a motion to approve the second and final reading of Ordinance 2024-15. Mayor Pro Tem Berner seconded the motion.

Council Member Farrell expressed support for the ordinance, highlighting the importance of considering over- and under-engineering to avoid unnecessary costs to homeowners.

Following the discussion, the motion was unanimously approved.

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

Council Member Farrell made a motion to approve the second and final reading of Ordinance 2024-16. Mayor Pro Tem Berner seconded the motion.

In response to Council Member Heidingsfelder's question, Mr. Spicer stated that contractor registration is a means of identifying contractors on the island who have been properly vetted as having a business license. A decal is given to them to post on their vehicles to identify them as fully licensed contractors. The problem was a conflict in the verbiage, using licensing and not registration. Licensing is, by law, only provided by LLR at the state level.

Following the discussion, the motion was unanimously approved.

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

Council Member Heidingsfelder made a motion to approve the second and final reading of Ordinance 2024-19. Mayor Pro Tem Berner seconded the motion.

Mayor Belt complemented the work done by the Council Members and the Town Attorney in providing an ordinance that was amended to clarify and focus on commercial activities.

In response to Ms. McIlvain's earlier comment, Ms. Tillerson stated that enforcement would be by Town employees. Once adopted, an employee will be stationed at the gate to pass out information about the new ordinance. Also discussed was the potential to use cameras to ensure compliance and the role of code enforcement officers in monitoring compliance, especially at night. Further discussion covered the implementation process of informing contractors about the new regulation, likely giving a 30-day notice before enforcement begins. Initially, violators will receive a warning, with subsequent violations leading to tickets.

Following the discussion, the motion was unanimously approved.

X. New 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 – ***First Reading***

Mr. McQuillin clarified that the amendment aligns with state law by requiring the Council to elect a Mayor Pro Tem from its membership immediately after any general election for the municipal council. Additionally, the amendment provides flexibility by allowing the Council to appoint or reappoint a new Mayor Pro Tem after any election, not just general elections, for a term of not more than two years. This flexibility is meant to accommodate changes in council composition or special elections. There was some confusion regarding the amendment's wording. Specifically, the use of "general election" versus "any election," was clarified to include both general and special elections and also discussed was the procedure to follow if a Mayor Pro Tem resigns during their tenure.

Council Member Farrell made a motion to approve the first reading of Ordinance 2024-04. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

B. To Consider Approval of ***Ordinance 2024-20*** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning, Article II. - Zoning, Division 5. - General Procedural Requirements, Establishing Section 12-169. - Stormwater Management Plan Review - ***Public Hearing and First Reading***

Mr. Taylor presented slides to provide context on the comprehensive approach to stormwater management, highlighting its origins from the Comprehensive Marsh Management plan, which recommended limiting impermeable surfaces and formalizing best management practices for stormwater on private properties. His discussion emphasized the unique situation of Kiawah, where the Town does not maintain any of the stormwater management systems; rather, they are managed by the Community Association. The proposed regulatory changes aim to reduce impervious surfaces, promote low-impact development, and improve water quality and quantity management.

Mr. Taylor outlined a phased approach to implementing these changes, starting with setting a foundation for managing and monitoring stormwater, followed by developing specific standards and best management practices.

Mayor Belt stated that this is basically procedural; it provides the enabling authority for the Planning Director to start incorporating a broader set of considerations, inputs, data, and information related to stormwater management as part of the site plan review process than is the case under our current code.

Council Member Heidingsfelder expressed his support for the ordinance's approval on the first reading, providing examples of locations around the island where renovation projects have elevated properties by at least a foot or more, and water will flow into the street or neighboring properties.

Council Member Heidingsfelder made a motion to open the Public Hearing for Ordinance 2024-20. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

Roger Warren – President, Kiawah Island Golf Resort

Mr. Waren raised concerns about the feasibility of managing stormwater on individual properties due to the high-water table on the island and whether a study had been done to determine whether certain properties have the ability to maintain water and hold it long enough for it to flow through and percolate through the ground.

Mark Permar – Kiawah Partners

Mr. Permar supported an update of the master drainage system and a more comprehensive approach, as represented in Mr. Taylor's presentation. He provided comments on elements he felt should be considered during the development process.

Maura McIlvain – 146 Blue Heron Pond Road

Ms. McIlvain stated that Mr. Taylor indicated that with big projects or complicated projects, an independent person would likely be used and questioned if the homeowner pays if the stormwater system or the stormwater planning is related to their property or renovation. She also pointed out complexities that may develop with large projects, which may end up needing a retention pond or some basin on that property not required on previous projects.

Mr. Taylor responded to the comments made.

Council Member Heidingsfelder made a motion to close the Public Hearing for ordinance 2024-20. Council Member Farrell seconded the motion, and it was unanimously approved.

Council Member Heidingsfelder made a motion to approve the first reading of Ordinance 2024-20 - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning, Article II. - Zoning, Division 5. - General Procedural Requirements, Establishing Section 12-169. - Stormwater Management Plan Review. Mayor Pro Tem Berner seconded the motion.

Council Members discussed that the ordinance applies to all properties, including single-family homes, townhouses, and commercial and multifamily developments. It will take effect after its adoption date and affect new construction, significant changes in building footprints, parking areas, or use changes greater than 500 square feet. Also discussed was the move towards more permeable surfaces to manage stormwater effectively.

Council Members raised concerns about the ordinance's impact on neighboring properties, especially regarding water runoff and potential adverse effects. They debated whether to require property owners to consider the impact on adjacent properties in their stormwater management plans. With members having varying opinions, a workshop was proposed to address their concerns. The suggestion was made to separate the ordinance into different sections for single-family and larger commercial developments, similar to the approach taken with the tree ordinance. However, it was noted that the current focus was on single-family homes due to their significant impact. The council decided to proceed with the ordinance but emphasized the need for further education on stormwater management and asking the right questions before the second reading. The suggestion was made to also hear from KICA, Stantec, and Waston & Sampson, as these are big issues for the island.

Following the discussion, the motion was unanimously approved.

C. 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 – ***First Reading***

Council Member Heidingsfelder stated that the ordinance aims to adjust the language in the business license fee structure to align with current practices. Specifically, the ordinance will change to define non-resident businesses having no fixed principal place of business from "within the Municipality and outside of it" to "within Charleston County and those outside of it." There would be no impact on revenues, and the Ways and Means Committee unanimously approved this recommendation.

Mr. McQuillin discussed the legal implications of this change, given that it deviates from the model ordinance language previously approved by the South Carolina Supreme Court.

Council Member Farrell made a motion to approve the first reading of Ordinance 2024-22. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

D. To Consider Approval of the CVB (Charleston Area Convention and Visitors' Bureau) Fiscal Year 2025 Budget

Ms. Subert stated that the SATAX Committee met for the second time to review the CVB FY 2025 budget. The CVB provided a great presentation at the meeting, after which the SATAX Committee voted to recommend approval.

Council Member Heidingsfelder made a motion to approve the CVB Fiscal Year 2025 Budget. Council Member Farrell seconded the motion.

Council Member Heidingsfelder stated that he would vote to approve the CVB budget but disagreed with the automatic assignment of 30% of the Accommodation Tax revenue to the CVB, noting that SATAX Committee members had raised questions about how some of those funds are spent. He

recommended that the Town create a structure that would provide an alternative to CVB and allow the SATAX Committee to decide on allocating a portion of funds, aiming to foster competition and possibly improve services.

During the discussion, Ms. Tillerson indicated that this recommendation had been made with several options being investigated, and she could provide the Council Members with the results of the investigations.

Following the discussion, the motion was unanimously approved.

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

Council Member Farrell made a motion to approve the amendment to the contract with Tetra Tech, Inc. for Disaster Debris Monitoring Services. Council Member Heidingsfelder seconded the motion.

Mayor Belt stated that concerns were raised about the specific terms of these contracts, including liability limits and the governing law, leading to a decision to postpone the approval.

Mr. Gottshalk stated that after the language discrepancies were noted, the legal teams for the Town and Tetra Tech reviewed the language, and he was notified that Tetra Tech had agreed to revise the language in the contract to be consistent with the recommendations from the Council.

Council Members discussed the contract revisions, ensuring they reflected all of the Council's requested changes.

Council Member Heidingsfelder amended his motion to approve the contract amendment subject to any final changes that may be necessary to resolve between the respective counsels. The motion was seconded.

Following further discussion, the motion was unanimously approved,

F. To Consider Approval of the Proposal for HVAC Maintenance Services

Council Member Heidingsfelder made a motion to approve the contract for HVAC Maintenance Services.

With no second to the motion, Council Members discussed that similar to the Tetra Tech contract, revisions would be made to the language to conform to the Town's standards, particularly with regard to dispute resolution and indemnification.

Following the in-depth discussion, Mayor Belt made the motion to approve the terms of the proposal amount and scope of services contingent upon his approval of the contract's form. Mayor Pro Tem seconded the motion, which was unanimously approved.

G. To Consider Approval of the Environmental Committee Appointments

Council Member Heidingsfelder made a motion to approve the appointment of Mr. Cindy Perry and Ms. Lynda Leffler to the Environmental Committee. Council Member Farrell seconded the motion, and it was unanimously approved.

XI. Executive Session:

A. Executive Session Pursuant to South Carolina Code Section 30-4-70(a)(2) to Discuss Section 16(f) of the ARDA (2013 Amended and Restated Development Agreement) and Captain Sam's Spit.

Council Member Heidingsfelder made a motion to move into Executive Session Pursuant to South Carolina Code Section 30-4-70(a)(2) to Discuss Section 16(f) of the ARDA (2013 Amended and Restated Development Agreement) and Captain Sam's Spit. Council Member Farrell seconded the motion, and it was unanimously approved.

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

Mayor Belt stated that the purpose of the Executive Session was to receive legal advice with regard to pending litigation involving Captain Sam Spit. The legal advice was received, but no decisions were made, and no actions were taken.

XII. Citizens' Comments:
None

XIII. Council Member Comments:
None

XIV. Adjournment:

Mayor Pro Tem Berner made a motion to adjourn the meeting at 5:19 pm. Council Member Farrell seconded the motion, and it was unanimously approved.

Submitted by,

_____
Petra S. Reynolds, Town Clerk

_____
Date

DRAFT

TAB 3

TOWN COUNCIL

Agenda Item

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

Minutes

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

II. Roll Call:

Present at the Meeting:	Bradley Belt, *Mayor* Russell Berner, *Mayor Pro Tem* Luke Farrell, *Council Member*
Present Via Zoom:	Michael Heidingsfelder, *Council Member* Madeleine Kaye, *Council Member* Stephanie Tillerson, *Town Administrator*
Also Present:	Mac McQuillin, *Town Attorney* Ross Appel, *Consulting Attorney*

III. Citizens' Comments (Agenda Items Only):

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

Lance Spencer – 40 Sunlet Bend, Inlet Cove

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

Warren Lash – 256 Grass Garden Lane, Cassique

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

David Raffle – 45 Burroughs Hall

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

Blake Darche - 181 Yellowthroat

Mr. Darche criticized the Town's handling of zoning and property rights, arguing that the Town's change of stance on previously approved plans undermines trust in government and unfairly burdens citizens. He highlighted the importance of consistency in zoning decisions to prevent future divisiveness. He called for accountability among town officials responsible for any zoning errors and emphasized the need for the town to address and rectify these issues to prevent similar problems in the future.

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

Mike Tattersfield – 5142

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

Joseph Boggs – Building One – The Cape

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

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

Jim Haggerty – 505 Bufflehead

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

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

IV. New Business:

A. Discussion on Mediation Regarding Zoning Matters

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

Council members discussed mediation, expressing various concerns and perspectives:

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

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

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

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

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

V. Executive Session:

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

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

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

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

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

VI. Council Member Comments:

None

VII. Citizens' Comments:

Blake Darche - 181 Yellowthroat

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

Mike Chesterfield

Mr. Chesterfield expressed concerns about parking issues and the feeling of being held hostage due to changes in parking agreements after signing. He highlighted an investment of $300 million by Cape owners, emphasizing the need to separate the Cape's operational issues from other Town development matters, and warned against the potential for further lawsuits if the issues are not addressed independently.

VIII. Adjournment:

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

Submitted by,

_____
Petra S. Reynolds, Town Clerk

_____
Date

DRAFT

TAB 4

TOWN COUNCIL

Agenda Item

Memorandum

TO: **Mayor and Council Members**

FROM: **Dorota Szubert, Finance Director**

SUBJECT: **Budget Report for the Twelve Months Ended 6/30/2024**

DATE: **September 10, 2024**

Overview:

Presented here is the Town's Balance Sheet as of June 30, 2024, and Budget to Actual Report for the fiscal year FY2023-2024. Those reports are unaudited and compiled on a modified accrual basis and all the funds are consolidated. The original budget was amended on February 6, 2024, to align with updated projections.

As of June 30, 2024, the Town's governmental funds combined have an ending fund balance of approximately $42M, an increase of approximately $6.3M from June 30, 2023. The total fund balance consists of:

- Unassigned Fund Balance (available for discretional spending): $24M (58%)
- Capital and Emergency Reserves: $9.4M (23%)
- Restricted for Tourism-Related Funding: $7.6M (19%)

The General Fund finished the year strongly with a surplus of $4M.

For the fiscal year 2023-2024, the Town's consolidated revenues totaled $18.6M. This represents a 9% increase, or $1.7M higher compared to the previous fiscal year 2022-2023, and exceeds the total amended budgeted revenues by 19%, or $3M. This marks the highest revenue level the Town has received. Notable revenue sources include:

- Building Permits: Regular Building Permits decreased by 5%, or $78K, however exceeded the budget by 34%, or $405K. We have noted a decrease in the number of permits issued, approx. 400 for both new construction and renovations, however the higher prices of construction cost cushioned that drop in the number of permits. We also received a one-time permit for a special project, Upper and Lower Beachwalker development.

- Business License Revenue: Increased by 18%, or $745k, and exceeded the budget by 37%, or $1.1M due to substantial growth (50%) in collection from the Municipal Association of SC Insurance, Telecommunications & Broker's Tax program, along with enhanced efforts in licenses compliance by the Finance Department, including issuing approx. 250 additional licenses.

- Local Option Sales Tax: Decreased by 16%, or 158K but exceeded the budget by 12%, or 104K.

- Accommodation Tax: Combined Accommodation Taxes decreased by 5%, or $195K, yet exceeded the budget by 9%, or $460K. The State and Local ATAX collections are down by 4%, or $120K

and 8%, or $126K respectively, while County ATAX increased 7%, or $51K. All accommodation tax collection exceeded the budget. Further investigation into these variances is planned by staff.

- Interest Income: Increased by 42%, or $832K and exceeded the budget by 32%, or $484K, benefiting from an annual average yield of 5.52% on the Town's investments.

- Miscellaneous Revenue: Increased by 37%, or $170K and exceeded the budget by 106%, or $237K. Due to a one-time reimbursement of $161K from CCSO for the book value of vehicles and equipment and $33k one-time restitution payment from our former treasurer.

At the end of June 30,2024, the expenditures of $12.2M are 12%, or 1.5M higher than previous year FY2023 and exceeded the current year's budget by 3%, or $312K. Significant negative variances include:

- Employee Cost: Increased 16%, or $502K from last year and 1%, or $36K over the budget. The increase is attributable to the addition of 4 new positions and an annual salary increase.

- Public Safety/ Off Duty Deputies: Increased by 7%, or $31K and exceeded the budget by 24%, or 84K, primarily due to a 38% increase in hourly rate for the deputies approved by Council after the budget amendment.

- Waste Management: Increased by 19%, or 290K, and exceeded the budget by 18%, or $231K due to an early start of garbage pick contract with the new vendor, Trident Waste.

- Professional Services: Increased by 40%, or 168K from last year and exceeded the amended budget by 66%, or 166K. Due to the large number of legal service engagements.

- Tourism and Recreation: Increased by 10%, or $111K from last year, and exceeded the budget 14%, or $345K, due to higher spending of State Accommodation funds which must be expended within 2 years per the State law.

- Capital Expenditures-Infrastructure and Landscaping: Showed a 100%, or $470K increase compared to last year and exceeded the budget by 88%, or 220K. Mostly attributable to safety improvements on the KP and BWD intersection.

Offsetting positive variances:

- Consultant Cost: Reduced by 51%, or 301K when compared to budget. Two of the budgeted consulting engagements were deferred to FY2024-2025 fiscal year, including feasibility safety study and zoning code review and update.

- Capital Expenditures-Other: Reduced by 14%, or $421K. The actual cost for the two dual port EV charging stations at the Town Hall stations was substantially lower than budgeted and installations the stations Islan wide have been deferred.

Town of Kiawah Island
Balance Sheet - Governmental Funds
Cash Basis-Unaudited
June 30, 2024

	GENERAL FUND	SPECIAL FUNDS COMBINED	CAPITAL FUND	TOTAL FUNDS
ASSETS				
Cash and Cash Equivalents	$ 23,320,271	$ -	$ -	$ 23,320,271
Cash and Cash Equivalents, Restricted	-	6,456,730	9,375,099	15,831,829
Accounts Receivable	806,002	1,709,345	-	2,515,347
Prepaid Item	309,857	-	-	309,857
TOTAL ASSETS	**24,436,130**	**8,166,075**	**9,375,099**	**41,977,303**
LIABILITIES				
Accounts Payable and Accrued Liabilities	436,404	556,435	-	992,839
Municipal Court Fines and Assessments Payable	-	-	-	-
Unearned Revenue	7,741	-	-	7,741
TOTAL LIABILITIES	444,145	556,435	-	1,000,580
DEFERRED INFLOWS OF RESOURCES				
Unavailable Revenue	56,364	-	-	56,364
TOTAL DEFERRED INFLOWS OF RESOURCES	56,364	-	-	56,364
TOTAL LIABILITIES AND DEFERRED INFLOWS OF RESOURCES	500,509	556,435	-	1,056,944
FUND BALANCES				
Restricted:				
Tourism Related Expenditures & Capital Improvements	-	7,588,465	9,375,099	16,963,563
Victims' Assistance	-	21,175	-	21,175
Unrestricted	23,935,621	-	-	23,935,621
TOTAL FUND BALANCES	23,935,621	7,609,640	9,375,099	40,920,359
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES	**$ 24,436,130**	**$ 8,166,075**	**$ 9,375,099**	**$ 41,977,303**

Town of Kiawah Island
For the Twelve Months Ended 6/30/24
Accrual Basis /Unaudited

	Fiscal 2024					FY2024 VS FY2023		
Revenue:	**TOTAL BUDGET**	**TOTAL AMENDED BUDGET**	**Y-T-D ACTUALS**	**$ VARIANCE**	**% OF BUDGET**	**FY2023 Y-T-D**	**$ VARIANCE**	**% VARIANCE**
Building Permits	$ 1,200,000	$ 1,200,000	$ 1,605,081	$ 405,081	134%	$ 1,683,183	$ (78,102)	-5%
Building Permits-Special Projects	300,000	959,182	959,182	-	100%	623,908	335,274	35%
Business Licenses	3,100,000	3,100,076	4,236,456	1,136,380	137%	3,491,883	744,573	18%
STR Application Fees	400,000	400,000	398,900	(1,100)	100%	405,900	(7,000)	-2%
Franchisee Fees	970,000	970,000	981,795	11,795	101%	984,706	(2,911)	0%
Local Option Tax	891,347	891,347	995,279	103,932	112%	1,153,023	(157,744)	-16%
State ATAX	2,936,510	2,936,510	3,023,766	87,256	103%	3,143,899	(120,133)	-4%
Local ATAX	1,477,158	1,477,158	1,566,940	89,782	106%	1,692,935	(125,995)	-8%
County ATAX	450,000	450,000	732,633	282,633	163%	681,098	51,535	7%
Hospitality Tax	829,177	829,177	962,458	133,281	116%	931,309	31,149	3%
Environmental Services	640,000	640,000	643,032	3,032	100%	661,899	(18,867)	-3%
Interest	1,176,281	1,501,281	1,985,302	484,021	132%	1,153,023	832,279	42%
Other	224,536	224,536	461,710	237,174	206%	291,248	170,462	37%
Total Revenue	**14,595,007**	**15,579,265**	**18,552,534**	**2,973,269**	**119%**	**16,898,014**	**1,654,520**	**9%**
Expenses:								
Salaries/Regular Employees	2,030,719	2,152,469	2,168,545	(16,076)	101%	1,840,770	(327,775)	-15%
Overtime	8,000	8,000	14,121	(6,121)	177%	8,299	(5,822)	-41%
Benefits	714,590	746,521	757,116	(10,595)	101%	606,985	(150,131)	-20%
Payroll Tax	169,592	183,613	186,578	(2,965)	102%	168,575	(18,003)	-10%
Employee Subtotal	**2,922,901**	**3,090,604**	**3,126,360**	**(35,756)**	**101%**	**2,624,629**	**(501,731)**	**-16%**
Public Safety/Payroll and Related/ Off Duty Deputies	736,569	350,000	434,114	(84,114)	124%	402,785	(31,329)	-7%
STR Code Enforcement	389,376	389,376	389,376	-	100%	324,410	(64,966)	-17%
Beach Patrol	584,000	584,000	584,000	-	100%	584,000	-	0%
Utilities & Supplies	237,440	247,440	242,581	4,859	98%	235,032	(7,549)	-3%
Communications	77,460	77,460	75,916	1,544	98%	72,980	(2,936)	-4%
Waste Management	1,278,000	1,278,000	1,509,076	(231,076)	118%	1,219,007	(290,069)	-19%
Insurance	190,176	190,176	202,674	(12,498)	107%	172,891	(29,783)	-15%
Professional Services	176,900	251,900	417,419	(165,519)	166%	249,414	(168,005)	-40%
Consultants	488,000	618,803	317,695	301,108	51%	459,900	142,205	45%
Maintenance	556,000	556,000	544,551	11,449	98%	633,770	89,219	16%
Travel	74,300	74,300	58,262	16,038	78%	61,708	3,446	6%
Rentals	46,000	46,000	48,525	(2,525)	105%	39,095	(9,430)	-19%
Tourism & Recreations	2,516,032	2,516,032	2,860,717	(344,685)	114%	2,560,727	(299,990)	-10%
Contributions	200,000	200,000	220,891	(20,891)	110%	214,372	(6,519)	0%
Other	353,920	375,528	344,865	30,663	92%	233,949	(110,916)	-32%
Capital Expenditures:				-				
Building	5,000,000 *	-	-	-		202,596	202,596	-
Infrastructure & Landscaping	250,000	250,000	470,321	(220,321)	188%	-	(470,321)	-100%
Vehicles	115,000	115,000	58,940	56,060	51%	159,837	100,897	171%
Other	450,000	487,370	66,443	420,927	14%	93,488	27,045	41%
MUSC Pledge	200,000	200,000	200,000	-	100%	200,000	-	0%
Non Budgeted-Storm Clean up	-	-	38,000	(38,000)	-	-	(38,000)	-100%
Total Expenses	**16,842,074**	**11,897,989**	**12,210,726**	**(312,737)**	**103%**	**10,744,590**	**(1,466,136)**	**-12%**
Net Changes in Fund Balance	**$ (2,247,067)**	**$ 3,681,276**	**$ 6,341,808**	**$ (2,660,532)**		**$ 6,153,424**	**$ (188,384)**	**-3%**

TAB 5

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND

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

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 2, Chapter 2, *Section 2-205 – Mayor Pro Tempore*; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is advisable to amend *Article 12, Chapter 2, Section 2-205 – Mayor Pro Tempore* to implement a revised election protocol and clarify certain conditions associated therewith.

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 2, Chapter 2, *Section 2-205 – Mayor Pro Tempore* to update the election process and clarify specific procedural conditions for electing a Mayor Pro Tempore.

Section 2 **Ordinance**

The Town hereby amends Section 2-205. Mayor pro tempore. as shown in the attached **"Exhibit A."**

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 6TH DAY OF AUGUST 2024.

_____

Bradley D. Belt, Mayor

ATTEST:

By: _____

Petra Reynolds, Town Clerk

1st Reading: July 2, 2024

2nd Reading: August 6, 2024

EXHIBIT A

Sec. 2-205. - Mayor pro tempore.

(a) Pursuant to S.C. Code Ann. § 5-7-190, immediately after any general election for the municipal council, the council shall elect from its membership a mayor pro tempore for a term of not more than two years. After any Town Council or Mayoral election, the Council may, at the first meeting of the newly constituted council, elect from its membership a mayor pro tempore to serve for a term of not more than two years.

(b) The Mayor Pro Tempore shall act as mayor during the absence or disability of the mayor. If a vacancy occurs in the Office of Mayor, the Mayor Pro Tempore shall serve until a successor is elected.

(c) In the event of the sickness or temporary absence of the Mayor Pro Tempore, while acting as Mayor, the Council Members present shall elect a presiding officer. In the event of the resignation, permanent absence, or the expiration of the two-year term of the Mayor Pro Tempore, the Mayor, and Council shall elect a Council Member to serve as Mayor Pro Tempore until the next election.

TAB 6

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND

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

WHEREAS, the Town of Kiawah Island is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income; and

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes; and

WHEREAS, on December 2, 2021, Ordinance No. 2021-14 was enacted on December 7, 2021, was enacted in order to comply with the requirements of the Standardization Act; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is advisable to amend Section 4-321. – Classification Rates, Appendix "A"; and

WHEREAS, the Town of Kiawah Island Town Council now wishes to amend Article 4 - Finance and Taxation, Chapter 3 - Municipal Business Licenses, Section 4-321. – Classification Rates, Appendix "A" to define non-residents.

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 4 – Finance and Taxation, Chapter 3 – Municipal Business Licenses, Section 4-321. – Classification Rates, Appendix "A" to amend the definition of non-residents in "Appendix A" of the current ordinance "to businesses having no fixed principal place of business within the County."

Section 2 **Ordinance**

The Town hereby amends Article 4 – Finance and Taxation, Chapter 3 – Municipal Business Licenses, Section 4-321. – Classification And Rates, Appendix A: Business License Rate Schedule as shown in the attached **"Exhibit "A."**

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 6TH DAY OF AUGUST 2024.

_____

Bradley D. Belt, Mayor

ATTEST:

By: _____

Petra Reynolds, Town Clerk

1st Reading: July 2, 2024

2nd Reading: August 6, 2024

EXHIBIT A

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

	INCOME: $0 - $2,000	INCOME OVER $2,000
RATE CLASS	BASE RATE	RATE PER $1,000 OR FRACTION THEREOF
1	$50.00	$1.95
2	$55.00	$2.15
3	$60.00	$2.35
4	$65.00	$2.55
5	$70.00	$2.75
6	$75.00	$2.95
7	$80.00	$3.15
8.1	$70.00	$2.40
8.2	Set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	$12.50 plus $12.50 per machine	
8.52	$12.50 plus $180.00 per machine	
8.6	$5 or 12.50 per table plus per $1,000,	
	or fraction, over $2,000	$2.00
9.8	Promoters of Events	

NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the County.

DECLINING RATES

Declining Rates apply in all Classes for gross income in excess of $1,000,000 unless otherwise specifically provided for in this Ordinance.

Gross Income in $ Millions	Percent of Class Rate for each additional $1,000
0 - 1	100%
1 - 2	90%
2 – 3	80%
3 – 4	70%
OVER 4	60%

CLASS 8 RATES

Each NAICS number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the Municipality also may provide for reasonable subclassifications for rates described by an NAICS sector, subsector, or industry that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

8.1 NAICS 230000 – Contractors, Construction, All Types [Non-resident rates apply].

Resident rates for contractors having a permanent place of business within the County:

Minimum on first $2,000 ..... $ 70.00 PLUS

Each additional 1,000 ..... $ 2.40

Non-resident rates apply to contractors who do not have a permanent place of business within the County. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this Ordinance.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Subcontractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for the value of work performed by a subcontractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.
Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to the commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job, and the appropriate additional license fee per $1,000 of the contract amount shall be paid prior to the commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by April 30, during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such a project exceeds the amount for which

the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

8.2 **NAICS 482 – Railroad Companies** (See S.C. Code § 12-23-210).

8.3 **NAICS 517311, 517312 – Telephone Companies.**

With respect to "retail telecommunications services" as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by a separate Ordinance (the "Telecommunications Collections Ordinance"). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

8.4 **NAICS 5241 – Insurance Companies:**

Independent agents, brokers, and their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by a separate Ordinance (the "Insurers and Brokers Collections Ordinance"). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 **NAICS 713120 – Amusement Machines, coin-operated (except gambling).**

Music machines, jukeboxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play features licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) **[Type I and Type II]**.

For the operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine .....$12.50 PLUS

Business license $12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

8.52 **NAICS 713290 – Amusement Machines, coin operated, non-payout.**

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) **[Type III]**.

For the operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine ..... $180.00 PLUS

Business license $12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990 – Billiard or Pool Rooms, all types.

A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business, excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of $5.00 per table measuring less than 3½ feet wide and 7 feet long and $12.50 per table longer than that.

Minimum on first $2,000 ..... $5.00 or 12.50 per table PLUS

Per $1,000, or fraction, over $2,000 $2.00

9.8 NAICS 711320- Promoters of Performing Arts, Sports, and Similar Events

Promoters of large events with over 15 attendees within the corporate limits of the Town of Kiawah Island shall be responsible for obtaining a Special Event Permit for a set fee based on the estimated and actual total attendance at the event. The Special Event Permit will include licensing of the subcontractors and/or vendors who provide products and services for profit associated with the event.

Promoters of large not-for-profit events, with over 15 attendees, within the corporate limits of the Town of Kiawah Island are not required to obtain a Special Event Permit; however, each of the subcontractors and/or vendors who provide products and services for profit associated with the event, shall be responsible for obtaining a Town of Kiawah Island Business License.

Attendees	Special Event Permit Fee
16 – 499	$250
500 – 999	$500
1,000-2,499	$1,000
2,500-4,999	$2,500
5,000-9,999	$5,000
10,000-19,999	$10,000
20,000 and over	$20,000

TAB 7

TOWN COUNCIL

Agenda Item

REQUEST FOR TOWN COUNCIL ACTION

TO: **Mayor and Town Council Members**

From: **Bruce D. Spicher/Building Official**

SUBJECT: **Amend Exhibit A of Article 9, Section 215 (Ord. No. 2013-08)**

DATE: **August 4, 2024**

BACKGROUND:

Permit fees have remained unchanged since the building department was established in 2013. We must align our permit fees with neighboring communities that construct similar homes. Our fee structure is among the lowest compared to nine coastal communities from Hilton Head to Myrtle Beach. Only Surfside Beach and Edisto Beach have lower fees than we do. This urgent need for revision prompts my proposal to increase permit fees.

ANALYSIS:

Based on a construction valuation of 4 million dollars, my analysis led to the proposal of a fair and reasonable increase in permit fees. Our permit for a project with a construction valuation of 4 million dollars is $20,500.00. I am suggesting a change from our current permit fee of $3.50 per $1000.00 to $6.00 per $1000. This will result in a 76.3 % increase, which I believe is a fair and necessary adjustment.

Percent increase = $\frac{\text{proposed permit fee – original permit fee}}{\text{Original permit fee}} \times 100$

Percent increase = $\frac{36{,}139.30 - 20{,}500.00}{20{,}500} \times 100$

Percent increase = 76.289 or 76.3%

- **See Exhibit A Current Permit Fee Schedule**
- **See Exhibit B Proposed Permit Fee Schedule**
- **See Exhibit C Proposed Permit Fee Summary At Glance**

The Ways and Means Committee, after careful consideration, recommended that the new permit fee schedule be presented to the Town Council for consideration. **The Town Council approved the new permit fee schedule at the June 4th meeting.**

ACTION REQUESTED:

I respectfully request that the Town Council adopt this proposal approving Ordinance 2024-23. Your support and approval are crucial for the successful implementation of this amendment.

TOWN OF KIAWAH ISLAND

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

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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

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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:** • 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 not be charged for subsequent permits on a structure where there is an active permit. • *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.*	$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

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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____DAY OF _____, 2024.

_____

Bradley D. Belt, Mayor

ATTEST:

By: _____

Petra Reynolds, Town Clerk

1st Reading:

2nd Reading:

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Current Fee Schedule

Exhibit A

Town of Kiawah Island Building Inspection Fees

1.Administrative Fees	**Fee**
Processing Fee	$30.00
Zoning Fee	$25.00
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**
$1,000.00 and less	No fee, unless an inspection is required, in which case a permit is required and a $55.00 fee shall be charged.
$1,000 to $2,000	$55.00
$2,001 to $50,000	$55.00for the first $2,000 + $4.50 per $1,000
$50,001 to $100,000	$270.00 for the first $50,000 + $4.50 per $1,000
$100,001 to $300,000	$475.00 for the first $100,000 + $4.00 per $1,000
$300,001 to $500,000	$1250.00 for the first $300,000 + $3.75 per $1,000
$500,001 and up	$1985.00 for the first $500,000 + $3.50 per $1,000
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 repairs, alterations and additions to an existing system shall be per the fee schedule for permits based on construction valuations.	
5. Electrical Permit Fees New or Upgrade Service and alterations or additions on the load side of 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

Exhibit A

6. Gas Permit Fees The permit fee for consumer's gas piping at one location (including both rough and final piping).	$55.00, plus $2.25 for each outlet inspection
7. Plumbing Permit Fees The permit fee for plumbing systems shall be:	$55.00
a. Additional fixture permit fees are as follows: 1. For each plumbing fixture, or tap (including water and drainage piping), backflow protective devices and for each water heater.	$5.00 each
2. For each building / unit sewer or water service, or replacement / repair, for installation, alteration or repair of water piping and/or water treating equipment and for repair or alteration of drainage or vent piping.	$5.00 each
8. Inspection Fees (1) Re-inspection. When a re-inspection fee is required, an additional fee of will be charged for each inspection.	$55.00
(2) Minimum Permit or Inspection	$55.00

Exhibit A

(3) Floodplain Management Compliance Inspection	$85.00
9. Other Permit Fees (1) Trade Permit Fee when the contractor is working as a subcontractor	$30.00
10. Fees (1) Plan Review Fees	½ permit fee based on construction valuation
(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:** • 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 not be charged for subsequent permits on a structure where there is an active permit. • *Any questions regarding flood zone filing fees should be directed to the Assistant Building Inspection Services Director or the Commercial Plans Reviewer at 843-768-9166.*	$25.00
(3) Fees for replacement of placards	$30.00
(4) Variance / Appeal Application Fee **Note:** Application fees for appeals successfully granted by the Construction Board of Adjustment & Appeals shall be reimbursed to the applicant.	$110.00
(5) Vehicle Decal Fee	$10.00
(6) Annual Vehicle Decal Renewal Fee	$5.00

Exhibit B

PROPOSED
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 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 of water piping and/or water treating equipment and repair or alteration of drainage or vent piping.	$5.00 each
8. Inspection Fees	
(1) Re-inspection. When a re-inspection fee is required, an additional fee will be charged for each inspection.	$250.00
(2) Minimum Permit or Inspection fee	$75.00
(3) 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:** • 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 not be charged for subsequent permits on a structure where there is an active permit. • *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.*	$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

Exhibit C

Proposed Permit Fee Summary at a Glance

	Current Fee Schedule (Exhibit A)	Proposed Change	Proposed Amendment
1. Administaration Fees	**Fee**		
Processing Fee	$30.00		
Zoning Fee	$25.00	Delete	
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 of Registration Classification (other than renewal time)	$30.00		
Total Valuation	**Fee**		
$1,000 and less	No fee, unless an inspection is required, in which case a permit is required and a 55.00 fee shall be charged.	Delete/Amend	$75.00 - language removed
$1000 to $2000	$55.00	Delete/Amend	$75.00 for the first $1000 + $6.00 per $1000
$2001 to $50,000	$55.00 for the first $2000 + $4.50 per $1000	Delete/Amend	$81.00 for the first $2000 + $6.00 per $1000
$50,001 to $100,000	$270.00 for the first $50,000 + $4.50 per $1000	Delete/Amend	$368.40 for the first $50,000 + $6.00 per $1000
$100,001 to $300,000	$475.00 for the first $100,000 + $4.00 per $1000	Delete/Amend	$4667.80 for the first $100,000 + $6.00 per $1000
$300,001 to $$500,000	$1250.00 for the first $300,000 + $3.75 per $1,000	Delete/Amend	$1867.20 for the first $300,000 + $6.00 per $1000
$500,001 and up	$1985.00 for the first $500,000 + $3.50 per $1000	Delete/Amend	$3066.60 for the first $500,000 + $6.00 per $1000
3. Permit Fees Based on Construction Valuations for All Permits Except for those Listed in 4 - 8			
4. Mechanical Permit Fees Fees for inspecting heating, ventilating, ductwork, air conditioning and refrigeration and repairs, alterations and additions to an existing system shall be per the fee schedule for permits based on constrruction valuation			Based on building permit fee schedule
5. Electrical Permit Fees New or upgrade service and alterations or additions on the load side of 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 additional amp		
6. Gas Permit Fees The permit fee for consumer's gas piping at one location (including both rough and final piping).	$55.00		$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 plumbing fixture, or tap (including water and drainage piping), backflow protective devices and for each water heater.	$5.00	Delete/Amend	Item 1 language deleted
2. For each building/unit sewer or water service, or replacement/repair, for installation, alteration or repair of water piping and/or water treating equipment and for repair or alteration of drainage or vent piping.	$5.00		
8. Inspection Fees			
(1) Re-inspection. When a re-inspection fee is required, and additonal fee of will ve charged for each inspection.	$55.00		$250.00
(2) Minimum Permit of Inspection	$55.00		$75.00
(3) Floodplain Management Compliance Inspection	$85.00		
9. Other Permit Fees			
(1) Trade permit fee when the contractor is working as a subcontractor	$30.00	Delete	
10. Fees			
(1) Plan Review Fees	1/2 permit fee based on construction valuation	Amend	Half of the permit fee
(2) Construction in Flood Zones/Filing Fee	$25.00		
(3) Fees for replacement of placards	$30.00	Delete	
(4) Variance/Appeal Application Fee	$110.00		$250.00
(5) Vehicle Decal Fee	$10.00		
(6) Annual Decal Renewal Fee	$5.00		

TAB 8

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;

DRAFT

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:** 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 without cause by either party in whole or in part at any time with thirty (30) days' written notice.

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. The only 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 (-80.044688 longitude and 32.608554 latitude) and eastern boundary (-80.042692 longitude and 32.608906 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

No more than the following items are allowed.

A. The Beach Club setup operations:

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

DRAFT

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 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.
- 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 $5,654. 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.

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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.

DRAFT

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


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
N
W
E
S
Western Boundary
32.608554, -80.044688
Eastern Boundary
32.608906, -80.042692
0
100
200
300
400
500
Feet
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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

DRAFT

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 9

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 ___ DAY OF _____, 2024.

_____

Bradley D. Belt, Mayor

_

_____

Petra S. Reynolds, Town Clerk

EXHIBIT A

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 any gift, or multiple gifts from the same donor, having an annual aggregate value of [fifty dollars] or more 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. Determination of whether multiple gifts from a single donor exceed [fifty dollars] must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(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 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 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) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of [fifty dollars] or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) 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.

TAB 10

TOWN COUNCIL

Agenda Item

MEMORANDUM

TO: Board of Directors

FROM: Robin W. Mitchum, Deputy Director of Finance and Administration

SUBJECT: FY24/25 Proposed Budget

DATE: June 5, 2024

Please find attached the Proposed FY24/25 Budget for your consideration.

Revenues

A detailed explanation of line-item changes are as follows:

- Farebox and Passes & Mobile Ticketing revenues have been increased for average and estimated receipts.
- Contract Service revenues for have increased based on the contract agreements and estimated ridership.
- Local contributions are funds received for shelter construction. These contributions are recorded as received.
- Federal revenue includes estimated 5307 Urban funds, 5310 Enhanced Mobility for Seniors & Individuals with Disabilities, 5307 CARES Act and ARP Act funds. CARTA receives funds as a direct recipient from FTA and Pass-Through funds from the BCDCOG. Capital funds are reflected in the capital revenues budget. The increase in Federal funding is a projection of federal grant awards.
- State Mass Transit Funds (SMTF) are funds received as matching contributions to 5307 operating. We do not anticipate receiving any funds for FY25.
- Sales Tax – Charleston County is the operating funds. The matching requirements for capital are reflected the capital revenues budget line item.
- Insurance proceeds is policy proceeds that are the result of accidents. Insurance proceeds are recorded as received.
- Sale of Assets is the proceeds from the sale of vehicles. These funds are recorded as received.

Expenditures

A detailed explanation of line-item changes are as follows:

- Retiree Benefits is increased for the cost of SCPEBA employer portion of Retiree Insurance.
- Supplies includes office and facility maintenance supplies. The decrease is due to concluding costs of rebranding materials and signage.

- Automotive is increased for average cost to maintain the agency vehicle.
- Office Equipment Rental decreased for contracted estimates.
- Office Equipment Maintenance includes IT services (managed server services, email hosting, and other general IT services), Camera system maintenance, and AVL software maintenance. The increase is anticipated expenditures for service agreements.
- Rent includes the Ashley Phosphate Park & Ride Lot, Dorchester Village Shopping Center Park & Ride Lot, Leeds Avenue lot lease from Dominion Energy, SC Works Trident lease space, and document storage. The increase is due to average and anticipated expenditures for renewing the Park & Rides leases, SC Works lease space, and document storage.
- Communication is increased for average and anticipated costs.
- Utilities is increased for average and anticipated costs.
- Professional services are being increased for CARTA On Demand program and auditing services.
- Contract Services is increased for Shared IGA services that includes management, administrative, financial, customer service, cash counting, marketing, advertising, maintenance costs, engineering, and professional services. Contract Services has also been adjust for anticipated Fixed Route services provided by National Express.
- Vehicle Maintenance increased for average and estimated maintenance costs.
- Facility Repair & Maintenance increased for average and estimated repairs and maintenance.
- Operating Fees increased for average and anticipated costs.
- Insurance increased for the projected cost for the fiscal year.
- Fuel increased based on projected cost for the fiscal year.
- Paratransit service increased for anticipated operator costs.
- Interest is decreased as the principle on the loan deceases.
- Non-Capitalized assets include security equipment, cameras, lighting, shelter panels/parts, driver safety barriers, COVID-19 PPE, and radio equipment. This line has been reduced to anticipated costs.

Capital Expenditures (Balance Sheet)

- Rolling Stock includes the purchase of vehicles and associated equipment.
- Bus Facilities/Charging stations is decreased for Leeds avenue parking lot repairs and charging infrastructure. We anticipate this project to be completed during FY24.
- Bus Shelter Construction/Bench is estimated cost for shelters.
- Land is decreased for the purchase the Fairgrounds parcel. We anticipate purchasing the land in FY24.
- Facilities Construction is engineering and design costs for Shipwatch Square and Fairgrounds.
- Security Cameras and Equipment is funds available and anticipated expenditures to purchase security equipment at our facilities and on rolling stock.
- Capital (IT, Facility Repairs/Maint) is for the facility upgrades or repairs.

We will monitor the budget to ensure revenues and expenditure remain aligned and we will make recommended revisions as necessary.

If you have any questions, please contact me at 843-529-2126 or robinm@bcdcog.com.

CARTA
***Proposed* FY2025 Budget**

	Approved Budget FY 2024	*Proposed* Budget FY 2025	Variance
Revenues			
Farebox	1,296,535	1,322,466	25,931
Passes & Mobile Ticketing	595,387	607,295	11,908
COC Shuttle	403,644	453,476	49,832
MUSC	753,157	763,456	10,299
City of Charleston - DASH	706,143	741,452	35,309
Local Contributions	37,131	-	(37,131)
Federal	8,862,392	10,156,366	1,293,974
State Mass Transit Funds (SMTF)	260,435	-	(260,435)
Sales Tax - Charleston County	12,684,369	13,415,772	731,403
Advertising	800,000	850,000	50,000
Interest	-	-	-
Insurance Proceeds	139,702	-	(139,702)
Sale of Asset	28,900	-	(28,900)
Miscellaneous	-	-	-
TOTAL REVENUES	26,567,795	28,310,283	1,742,488
Expenditures			
Retiree Benefits	9,307	9,581	274
Supplies	175,000	75,000	(100,000)
Printing	42,000	42,000	-
Automotive	3,450	3,525	75
Postage	200	200	-
Dues/Memberships	2,500	2,500	-
Office Equipment Rental	117,695	116,225	(1,470)
Office Equipment Maintenance	289,793	333,633	43,840
Rent	33,620	34,385	765
Communications	166,847	170,185	3,338
Utilities	316,501	322,832	6,331
Advertising	7,500	7,500	-
Professional Services			
Auditing	30,800	32,340	1,540
Legal	1,000	1,000	-
Custodial	25,542	25,542	-
On Demand Program	325,000	350,000	25,000
Electric Bus Master Plan	20,005	-	(20,005)
Other	25,000	25,000	-
Contract Services			
Shared Services - IGA	3,888,379	3,640,486	(247,893)
Fixed Route	14,676,071	16,244,786	1,568,715
Money Transport	11,604	11,836	232

CARTA
***Proposed* FY2025 Budget**

	Approved Budget FY 2024	*Proposed* Budget FY 2025	Variance
Security Services	105,560	105,560	-
Vehicle Maintenance	341,863	348,701	6,838
Facility Repair & Maintenance	32,213	47,250	15,037
Operating Fees & Licenses	45,000	50,000	5,000
Insurance	1,033,626	1,085,307	51,681
Fuel	1,450,000	1,493,500	43,500
Paratransit	3,308,576	3,657,569	348,993
Miscellaneous	5,300	5,400	100
Interest	47,843	43,440	(4,403)
Non-Capitalized Assets	30,000	25,000	(5,000)
TOTAL EXPENDITURES	26,567,795	28,310,283	1,742,488
Excess (Deficit) of Revenues Over (Under) Expenditures	-	-	-
Capital Revenues			
Rolling Stock	598,240	600,000	1,760
Bus Facilities/Charging Stations	1,197,724	-	(1,197,724)
Bus Shelter Construction/Bench Install	55,591	-	(55,591)
Land	1,066,800	-	(1,066,800)
Security Cameras/Equipment	300,318	131,511	(168,807)
Facilities Construction	264,436	2,211,406	1,946,970
Sales Tax - Charleston County	1,122,381	875,728	(246,653)
TOTAL CAPITAL EXPENDITURES	4,605,490	3,818,645	(786,845)
Capital Expenditures			
Rolling Stock	827,800	750,000	(77,800)
Bus Facilities/Charging Stations	1,524,571	-	(1,524,571)
Bus Shelter Construction/Bench Install	180,591	100,000	(80,591)
Land	1,333,500	-	(1,333,500)
Facilities Construction	330,545	2,764,257	2,433,712
Security Cameras/Equipment	368,483	164,388	(204,095)
Capital (IT, Facility Repairs/Maint)	40,000	40,000	-
TOTAL CAPITAL EXPENDITURES	4,605,490	3,818,645	(786,845)

CARTA

Proposed **Detailed Budgeted Expenditures**
FY 2024/2025

		Approved Budget FY 2024	*Proposed* Budget FY 2025	Increase (Decrease)
RETIREE BENEFITS	Retiree Insurance	9,307	9,581	274
		9,307	9,581	274
SUPPLIES	Admin/Operations	50,000	75,000	25,000
	Rebranding	125,000	-	(125,000)
	Total	175,000	75,000	(100,000)
PRINTING	Printing	37,000	37,000	-
	Rebranding	5,000	5,000	-
		42,000	42,000	-
AUTOMOTIVE	Parking/Mileage/Service	3,450	3,525	75
	Total	3,450	3,525	75
POSTAGE		200	200	-
		200	200	-
DUES & MEMBERSHIPS	Metro Chamber	500	500	-
	TASC (SCAMI)	2,000	2,000	-
	Total	2,500	2,500	-
EQUIPMENT RENTAL	Electric Bus Battery Lease	106,470	105,000	(1,470)
	Electric Bus Battery Lease Property Tax	11,225	11,225	
	Miscellaneous Equipment	-	-	-
	Total	117,695	116,225	(1,470)
OFFICE EQUIPMENT MAINTENANCE	IT / Camera Maint.	40,000	55,000	15,000
	Money Counting Equipment	2,000	2,000	-
	AVL Cloud Manager	18,555	19,832	1,277
	Genfare Support	19,602	20,190	588
	Electric Bus Mgmt Software	50,552	72,755	22,203
	CAD/ITS/AVL	159,084	163,856	4,772
		289,793	333,633	43,840
RENT	Land	6,000	6,000	-
	Park & Ride	20,150	20,600	450
	Document Storage	2,425	2,450	25
	SC Works Charleston Center	5,045	5,335	290
		33,620	34,385	765

CARTA

Proposed **Detailed Budgeted Expenditures**
FY 2024/2025

		Approved Budget FY 2024	*Proposed* Budget FY 2025	Increase (Decrease)
COMMUNICATIONS	Telephone/Internet	44,384	45,272	888
	Tablets - Buses	47,463	48,413	950
	Radios	75,000	76,500	1,500
	Total	166,847	170,185	3,338
UTILITIES	Electricity	11,643	11,876	233
	Electricity -Charging Stations	294,030	299,911	5,881
	Water	10,828	11,045	217
		316,501	322,832	6,331
ADVERTISING	ALL	-	-	-
	BUS WRAPS	7,500	7,500	-
		7,500	7,500	-
PROFESSIONAL SERVICES	Audit	30,800	32,340	1,540
	Legal	1,000	1,000	-
	Custodial	25,542	25,542	-
	CARTA OnDemand	325,000	350,000	25,000
	Electric Bus Master Plan	20,005	-	(20,005)
	Other	25,000	25,000	-
		427,347	433,882	6,535
CONTRACT SERVICES	Management Services	75,000	75,000	-
	Shared Services (IGA)	3,352,632	3,443,839	91,207
	Remix-Transit & OnDemand Planning (	67,469	53,975	(13,494)
	Mt. Pleasant St. Park & Ride Design (IG	29,172	29,172	-
	ITS System (IGA)	25,000	25,000	-
	Mobile Ticketing (IGA)	23,940	13,500	(10,440)
	Route Study (IGA)	315,166	-	(315,166)
	Fixed Route	14,676,071	16,244,786	1,568,715
	Money Transport	11,604	11,836	232
	Super Stop Security Services	105,560	105,560	-
		18,681,614	20,002,668	1,321,054
VEHICLE MAINTENANCE		341,863	348,701	6,838
		341,863	348,701	6,838
FACILITY REPAIR & MAINTENANCE	Facility Repair Misc	25,000	40,000	15,000
	Bus Wash Inspection	7,213	7,250	37
		32,213	47,250	15,037

CARTA

***Proposed* Detailed Budgeted Expenditures**
FY 2024/2025

		Approved Budget FY 2024	*Proposed* Budget FY 2025	Increase (Decrease)
OPERATING FEES & LICENSES		45,000	50,000	5,000
		45,000	50,000	5,000
INSURANCE	Administration	23,068	24,221	1,153
	Operating	1,010,558	1,061,086	50,528
		1,033,626	1,085,307	51,681
FUEL	Fuel	1,450,000	1,493,500	43,500
		1,450,000	1,493,500	43,500
PARATRANSIT	National Express	3,308,576	3,657,569	348,993
		3,308,576	3,657,569	348,993
MISCELLANEOUS	Misc	5,300	5,400	100
		5,300	5,400	100
INTEREST	BB&T - Melnick Property	47,843	43,440	(4,403)
		47,843	43,440	(4,403)
NON-CAPITALIZED ASSETS	Non-Capitalized Assets	30,000	25,000	(5,000)
		30,000	25,000	(5,000)
TOTAL OPERATING		**26,567,795**	**28,310,283**	**1,742,488**
CAPITAL				
	Rolling Stock/Fleet Repair	827,800	750,000	(77,800)
	Bus Facilities/Charging Stations	1,524,571	-	(1,524,571)
	Bus Shelter Construction/Bench	180,591	100,000	(80,591)
	Land	1,333,500	-	(1,333,500)
	Facilities Construction	330,545	2,764,257	2,433,712
	Security/Cameras	368,483	164,388	(204,095)
	Capital (IT, Facility Repairs/Maint)	40,000	40,000	-
TOTAL CAPITAL		**4,605,490**	**3,818,645**	**(786,845)**

TAB 11

TOWN COUNCIL

Agenda Item

REQUEST FOR TOWN COUNCIL ACTION

TO: **Mayor and Town Council Members**

FROM: **Stephanie Monroe Tillerson, AICP, Town Administrator**

SUBJECT: **LS3P Additional Services Contract Amendment**

DATE: **September 10, 2024**

BACKGROUND:

LS3P has been working on multiple iterations of the Kiawah Next Comprehensive Plan. The project has faced several challenges and changes since its inception:

1. The project initially began with Blake [last name needed] from LS3P as the lead consultant.
2. It was originally projected to conclude in December 2023.
3. Several significant changes occurred during the course of the project:
   - Staff changes at LS3P
   - Leadership changes within the Town
   - Varying opinions on how to proceed with the project

In January 2024, David Burt from LS3P took over the project after Mr. [Blake's last name]'s departure from the company. Initially, Mr. Burt believed he was wrapping up the project. However, John Taylor, the Town's Planning Director, informed him that further revisions were needed, leading to more work than originally anticipated.

The Planning Commission expressed significant dissatisfaction with LS3P's work, primarily concerned that their input wasn't adequately considered and that many completed sections didn't accurately reflect Kiawah's unique characteristics. Town staff communicated this feedback to LS3P.

A subsequent communication breakdown between LS3P and Town staff led to a misunderstanding about the extent of revisions required to address the Planning Commission's concerns. The disconnect between expectations and deliverables, coupled with LS3P's initial failure to capture Kiawah's distinct features, contributed to delays and unforeseen expenses as extensive revisions became necessary.

LS3P has not worked on the project since June. Currently, Town staff is completing the KiawahNext Comprehensive Plan. The report is now with the Planning Commission subcommittee. A meeting is scheduled for September 13 to review all recommended changes and make final edits. The draft document is anticipated to go before the full Planning Commission at their October meeting.

ANALYSIS:

The project has incurred additional expenses due to the following factors:

1. Multiple iterations of the Comprehensive Plan
2. Changes in project leadership and staff

3. Varying opinions on project direction
4. Misunderstanding about the extent of revisions needed after January 2024

As a result, LS3P has accrued approximately $46,000 in overage expenses to date. LS3P acknowledges their part in the situation and does not attribute the entire overage to the Town of Kiawah.

To address these issues and complete the project, LS3P proposes the following:

1. Split the current overage cost with the Town
2. If needed, work on an hourly basis to complete any upcoming redlines provided by the Town

ACTION REQUESTED:

LS3P respectfully requests that the Town Council consider and approve the following:

1. Payment of $22,972 to LS3P for work already completed (50% of the total overage)
2. Approval of an additional $5,000 for potential additional clean-up work

BUDGET & FINANCIAL DATA:

The payment for completed work ($22,972) and the hourly work for potential redlines (estimated at approximately $5,000) will come from the General Fund. The final cost for additional work will be determined based on actual hours worked.

LS3P ENGAGE DESIGN TRANSFORM

AMENDMENT TO CONTRACT FOR ADDITIONAL SERVICE

DATE: July 3, 2024

Project Name: Town of Kiawah Island Comprehensive Plan
Project Number: 8110-224720
Owner / Architect Agreement Date: October 28, 2022

Brief description of Additional Service in reference to original Contract Service:

LS3P has been working on multiple iterations of the Kiawah Next Comprehensive Plan. Changes in leadership on the project and varying opinions on how to proceed with the project has been the main cause of the extra effort. Clearer direction is being put in place right now from Town Leadership, so that LS3P can wrap up their scope of work. LS3P has accrued almost $46,000 in overage expenses to date due to these circumstances. LS3P is not blaming Kiawah on the entire overage, and is taking responsibility for their part as well. LS3P is only asking to split this cost with the Town. In addition, LS3P is asking to work hourly to complete the redlines that are soon to be provided by the Town. LS3P estimates the redlines can be picked up for $5,000.

Proposed Fee for stated Additional Services (Owner to initial one):

___ Hourly / Cost - time and expenses not to exceed
_X_ Fixed Fee
___ Negotiate Fee after work is complete

Architectural Services: **$22,972.00 (For work to date) + $5,000.00 (Hourly estimated to finish) = $27,972.00**

This Amendment is hereby incorporated into the above-listed Owner / Architect Agreement and amends the terms thereof. The provisions of this Amendment supersede and void all inconsistent provisions of the Owner / Architect Agreement. THE ARCHITECT SHALL NOT PROCEED WITH THE LISTED ADDITIONAL SERVICE UNTIL THIS AMENDMENT IS RETURNED TO THE ARCHITECT SIGNED.

Submitted by

LS3P ASSOCIATES LTD.
By: David C. Burt, AIA, CDT, LEED AP
Its: Vice President/Principal

Accepted by

_____
OWNER
By: _____
Its: _____

TAB 12

TOWN COUNCIL

Agenda Item

REQUEST FOR TOWN COUNCIL ACTION

TO: **Mayor and Town Council Members**

SUBJECT: **Update the Arts Charter**

DATE: **September 10, 2024**

BACKGROUND:

The Kiawah Island Arts and Cultural Events Council was established in 2004 to enhance community and tourist appreciation and involvement in the performing arts within the Town of Kiawah Island and its environs. When the program began in 2004, it had 10 events per year, led heavily by community members. The program has grown over the years to more than 30 events per year with volunteer members continuing to take an active role in proposing and selecting each season's events.

In 2021, the Arts and Cultural Events Coordinator was hired to facilitate all event operations and provide administrative support and oversight. The structure of the Council has evolved over time with Arts Council members collaborating with the coordinator on selecting and planning events, coordinating of-day event details, advocating for the program to the community, and providing feedback on prior events. Many of these changes were gradual, but updating the charter would modernize the current structure of the Council.

The Town also has an Arts Board, which consists of the Arts Council Chairman and Vice Chair, Town Administrator, Communication Director, and Arts and Cultural Events Coordinator. The Arts Board previously required one designated member of the Arts Council to be on the board; the current Vice Chair of the Arts Council has served in this capacity. Having the Vice Chair on the Board has provided continuity in coordinating information to the full Council and would benefit the Council for this position to continue serving in that capacity.

ACTION REQUESTED:

It is requested that the Arts Charter is updated to reflect the current structure of how the Arts Council, Arts Board, and Town's staff currently work collaboratively each arts season.

TOWN OF KIAWAH ISLAND

ARTS AND CULTURAL EVENTS COUNCIL COMMITTEE CHARTER

1. The Town of Kiawah Island Arts and Cultural Events Council (ACEC) was established on June 9, 2004. Its function is to enhance community and tourist appreciation and involvement in performing arts within the Town of Kiawah Island and its environs by providing a diversity of planned and budgeted programs. The committee shall be a standing committee of the Town Council and shall advise the Town on matters relating to the planning, development, organization, and implementation of activities relating to the visual and performing arts.

2. The ACEC shall strive to ensure that Kiawah is recognized as an arts and culturally-minded community.

3. Oversight responsibility will be handled by the Arts Council Board comprised of:
   - ACEC Chairman
   - ~~One designated member of the Arts Council~~The Vice Chair of the Arts Council
   - Town Communication~~s Manager~~ Director
   - Town Administrator
   - Arts and Cultural Events Coordinator

The ACEC will be chaired by a member of the Town Council, with the ~~Town's Communications Manager or designee~~Arts and Cultural Events Coordinator as staff support. The ACEC will annually elect from its members a Vice Chair who will serve as a member of the ACEC Board. The membership shall be comprised of at least five (5), but not more than eleven (11), Kiawah Island property owners appointed by the Mayor with the consent of the Town Council. Member terms shall be for one year and expire annually on January 31. Committee members may be reappointed for successive terms as approved by the Mayor and Town Council. The Town Council may appoint up to three (3) advisory members (non-voting) to the ACEC to assist and support the Committee.

4. The Arts and Cultural Events Coordinator is tasked with overseeing, scheduling, and coordinating event related aspects as further outlined on page 5 of the Arts Council Member Manual.

4.5. The ACEC is a "working" committee tasked with collaborating with the coordinator on planning events, reporting on the quality of performances, and establishing and updating policies as further outlined on page 6 of the Arts Council Member Manual.~~:~~

~~a. Sourcing concerts and cultural arts events~~
~~b. Season programming and program diversity~~
~~c. Reporting preliminary season selections after the planning session to the Arts Council Board.~~
~~d. Assisting in the development and distribution of promotional materials~~
~~e. Preparing production plans of performance~~
~~f. Assisting at events~~
~~g. Evaluating the event results~~

~~5.~~6. Preferred skill set should include:

a. Cultural arts background and expertise
b. Excellent planning and organizational capabilities
c. Knowledge of performing arts and performing arts groups
d. Ability to work in harmony with performing arts groups ~~and~~, other Arts Council members, and Town staff.

~~6. The ACEC shall:~~

~~a. Develop annual budgets for review/ approval by the Ways and Means Committee and final approval by the Town Council.~~
~~b. Work to enhance community, visitor and tourist appreciation of arts and cultural events within the Town and environs by providing a diversity of programming.~~
~~c. Publish an annual report summarizing fiscal year events and accomplishments.~~
~~d. Develop relationships with local, state, regional, and national arts organizations.~~
~~e. Develop relationships with schools, businesses and other organizations supporting the arts.~~

7. The funding sources for the ACEC will be derived from:

a. General Funds – the primary source of funding for the resident-related events.
b. Local, County, and Hospitality Tax Funds – the primary source of funding for the tourist and visitor-related events.
~~b.~~c. Ticket revenue
~~c.~~d. Funding levels will be determined through the budget process

8. The ACEC will utilize a variety of methods to propose local and national talent for events. Anyone (ACEC members, Town staff, artists, arts organizations, agents, promoters, Kiawah residents, etc.) wishing to suggest an arts event may do so by writing to the Arts & Cultural Events Coordinator, who will review all ~~proposals~~ suggestions and bring them to the attention of the ACEC. The Coordinator and ACEC will propose, compile, and recommend (within the approved budget) a final list of possible season events utilizing the following criteria: Quality, Variety, Balance, and Diversity. A schedule of these events for both residents and tourists/visitors will be submitted to the Ways and Means Committee and then to the Town Council for final approval during the budgeting process timetable.

Contracting
Each funded event shall be bound by a Town of Kiawah Island Special Events contract.

Payment Terms
Payment will be made directly to the requesting organization in the form of a check, per contract terms agreed upon between the town and performer and/or performer's agent. Normally, these payments are presented on the performance day, but prepayments may be made if negotiated during the contract. Deposits will not be more than 50% of the contracted amount.

TOWN OF KIAWAH ISLAND

ARTS & CULTURAL EVENTS COUNCIL

2024 MEMBER MANUAL

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TOWN OF KIAWAH ISLAND

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2. The ACEC shall strive to ensure that Kiawah is recognized as an arts and culturally-minded community.

3. Oversight responsibility will be handled by the Arts Council Board comprised of:
   - ACEC Chairman
   - The Vice Chair of the Arts Council
   - Town Communication Director
   - Town Administrator
   - Arts and Cultural Events Coordinator

   The ACEC will be chaired by a member of the Town Council, with the Arts and Cultural Events Coordinator as staff support. The ACEC will annually elect from its members a Vice Chair who will serve as a member of the ACEC Board. The membership shall be comprised of at least five (5), but not more than eleven (11), Kiawah Island property owners appointed by the Mayor with the consent of the Town Council. Member terms shall be for one year and expire annually on January 31. Committee members may be reappointed for successive terms as approved by the Mayor and Town Council. The Town Council may appoint up to three (3) advisory members (non-voting) to the ACEC to assist and support the Committee.

4. The Arts and Cultural Events Coordinator is tasked with overseeing, scheduling, and coordinating event related aspects as further outlined on page 5 of the Arts Council Member Manual.

5. The ACEC is a "working" committee tasked with collaborating with the coordinator on planning events, reporting on the quality of performances, and establishing and updating policies as further outlined on page 6 of the Arts Council Member Manual.

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   a. Cultural arts background and expertise
   b. Excellent planning and organizational capabilities
   c. Knowledge of performing arts and performing arts groups
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Revised 09/10/2024

2024 Arts & Cultural Events Council Members

Committee members are appointed by Town Council and serve one-year terms. All terms expire on January 31.

David Wohl, Vice Chairman
157 Governors Drive
Kiawah Island, SC 29455
304-552-9060
dwohl23@gmail.com

Bill Blizard
736 B Virginia Rail Road
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Kimberly Adele
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rcshmn@gmail.com

Ron McCray
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Kiawah Island, SC 29455
503-706-3492
ronald.d.mccray@gmail.com

Brad Belt, Arts Council Chair
843-955-8658
bbelt@kiawahisland.org

Ruthie Foster, Arts and Cultural Events Coordinator
843-768-9976
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rfoster@kiawahisland.org

Erin Pomrenke, Communication Director
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epomrenke@kiawahisland.org

2024 Arts & Cultural Events Council Board

Brad Belt, Arts Council Chair
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455
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bbelt@kiawahisland.org

David Wohl, Arts Council Vice Chair
157 Governors Drive
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dwohl23@gmail.com

Stephanie Monroe Tillerson, Town Administrator
4475 Betsy Kerrison Parkway
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Ruthie Foster, Arts and Cultural Events Coordinator
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rfoster@kiawahisland.org

Erin Pomrenke, Town Communication Director
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455
843-768-5113
epomrenke@Kiawahisland.org

Roles of the Arts Council Board

The Arts Council Board will oversee the Arts & Cultural Events Council, particularly with respect to the ACEC's budget and its policies and procedures. The Board will also provide periodic reports to the Town Council regarding the ACEC's activities and participate in the design and evaluation of the periodic audience survey.

The Board will work with the ACEC to develop appropriate reporting mechanisms from the ACEC to the Board and from the Board to the Town Council to serve these purposes. The Arts Council Chair will serve as the primary link between the Board and the Town Council. The Communications Manager, the Arts and Cultural Events Coordinator, and Vice Chair of the ACEC will serve as the link between the Board and the ACEC.

Key Roles of the Arts & Cultural Events Coordinator

- Oversees event planning details in support of the Arts and Cultural Events program and Town-related events
- Schedules and coordinates all vendors (lighting, sound, backline, tech) for events
- Coordinates and monitors event timelines and ensures all deadlines are met
- Coordinates operational aspects of arts events (e.g., maintaining event calendars, timelines, proposals, artist contracts, artist riders, banquet event orders, accommodations, budget tracking, and ticket allocation)
- Coordinates event logistics, including registration and attendee tracking, presentation materials, and ticket scanning equipment
- Facilitates ticket releases through the TicketTailor platform by uploading each event, scheduling release dates, and troubleshooting technical difficulties
- Creates promotional material for the Arts Program, including season planner, quarterly flyers, event descriptions on the website, programs, etc
- Provides promotional support through email marketing, facilitating press releases, and conducting occasional radio interviews for the Arts & Cultural Events Council
- Submits event info to community calendars and other news outlets as needed
- Prepares all materials necessary for Arts Council season planning – books, documents, quotes, etc
- Works with Town Attorney in the review of performers' contracts.
- Creates the Arts Council and Arts Council Board meeting schedule, agendas, materials, and meeting notes
- Submits requests for payment and reimbursements for performers and other contractual assistance
- Develops, maintains, and promotes positive and professional relationships with internal staff, volunteers, members, vendors, contractors, and the general public
- Serves as a liaison between the Arts and Cultural Events Council and artists/agents
- Tracks and analyzes attendance, survey data, and other programmatic data to identify strategies for improvement and growth

Key Roles of the Communication Director

- Supervises the Arts and Cultural Events Coordinator and assists with reviewing digital and printed communications
- Assists Arts and Cultural Events Coordinator with brainstorming and facilitating marketing strategies to assist the program
- Acts as a backup to Arts and Cultural Events Coordinator for arts event coverage when needed

Roles of the Arts & Cultural Events Council

The Arts and Cultural Events Council works with the Arts and Cultural Events Coordinator and is tasked with:

1. Planning Events

a. Assessing the interests of audiences through aiding in the development of periodic surveys
b. Sourcing artists and cultural arts events
c. Planning programming for each season, considering factors such as:

- Audience interests
- Artistic quality
- Potential venues
- Program diversity
- Number and cost of events
- Production considerations (equipment and ancillary services required, need for risers, green room, etc.)

d. Negotiation of performance offers pre-contracts

2. Holding Events

a. Assisting with community outreach and audience development
b. Assisting in the development and distribution of promotional materials
c. Assisting at events in areas such as greeting, ticket scanning, public announcements, program distribution, and seating
d. Assuring adherence to contracts and riders, including setting up and breaking down the greenroom
e. Evaluating events

3. Reporting to the Arts Council Board and the Town Council (periodic and annual)

4. Establishing and updating policies and procedures surrounding:

Committee Membership

- Qualifications for membership
- Recruitment, selection, and mentoring of new members
- Primary and secondary responsibility for events
- The use of support members
- Terms and succession planning

Planning

- Timelines for arts events proposals
- Event selection process (including voting procedures)

Ticketing policies and procedures

- Purpose of charging, amount
- Use of proceeds
- Membership comps

Venue use and succession

Event Planning Procedures

As a part of the planning process for each upcoming season, the Arts Council reviews all event suggestions and then votes on which events will be included in the next season's lineup. Once the planning session for the next season has commenced, an event planning form will be completed. Each event has a "member-planner" assigned to it, which is normally the person who initially suggested the event. The planner assists the Arts and Cultural Events Coordinator in the planning and execution of the event. Planners submit a form to the Arts and Cultural Events Coordinator for each event, which shall include:

- Name of Performer (s)
- Name of Event
- Venue, Date, and Time of Event
- Mailing Address of Performer(s)
- W9 Form
- Phone Number
- Payment Amount and Terms (including amount and format of buyout)
- Accommodations Requirements

Contracts - The contract will be drafted by the Arts and Cultural Events Coordinator and then emailed directly to the performer. Contracts should be returned within 14 days.

When the contract is returned to the Town, the Mayor will sign and the Arts and Cultural Events Coordinator will return a countersigned copy to the performer.

Photos & Bios - When the Arts and Cultural Events Coordinator returns the countersigned copy of the contract, the performer's biography and a photo will be requested to use for advertising purposes if these materials have not been previously acquired.

Marketing & Publicity - Once the performer biography is received, the Arts and Cultural Events Coordinator will draft the event description for the website and media outreach.

Outreach and promotion methods will include website and ticketing descriptions, social media posts, community calendar notices, resident forums, press releases, and reaching out to various media contacts.

Arts Council members will be responsible for posting about their events to neighbors on iKiawah and other resident forums.

Payments and Reimbursements - Invoices for all event expenditures shall be submitted to the Arts and Cultural Events Coordinator – Town of Kiawah Island at 4475 Betsy Kerrison Parkway, Kiawah Island, SC 29455.

Invoices will be paid by check after submittal to the Finance Department, unless otherwise indicated.

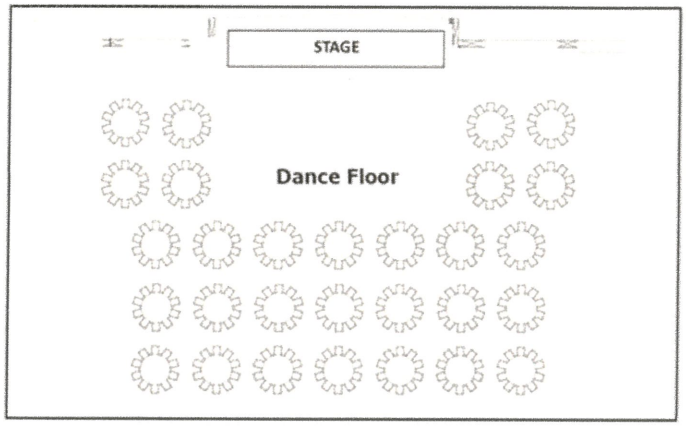
All Arts Council requests for supplemental reimbursements shall be submitted on a "Check Request" form and accompanied by any receipts or additional documentation.

Venues and Capacities

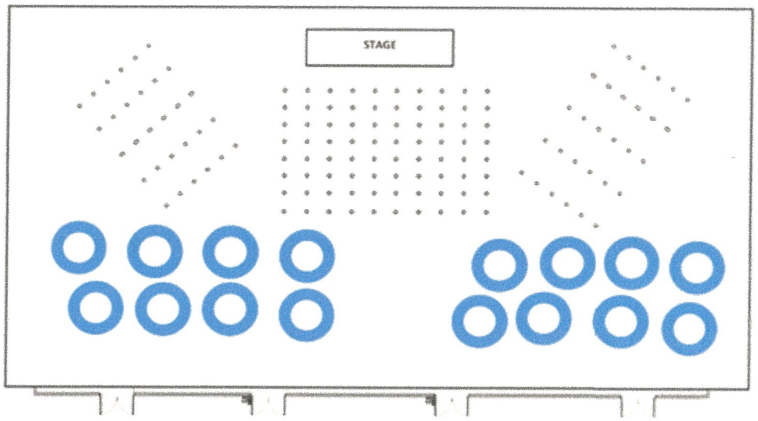
Ticket distribution amounts should be set at the beginning of the season based on venue capacity and desired floorplan.

Venue	Capacity
Church of our Saviour	180
Holy Spirit Catholic Church	500
Seabrook Island Club 6,000 sq ft 10.5′ Perimeter Ceiling height 14′ Middle Vault	300
Turtle Point Clubhouse 3,540 sq ft 80′x44′ 12′ Ceiling Height	200 - 300
West Beach Conf. Center 9,675 sq ft 82′ x 118′ Lowest Ceiling: 15′	400 - 500
The Sandcastle	180 (Full Ballroom)

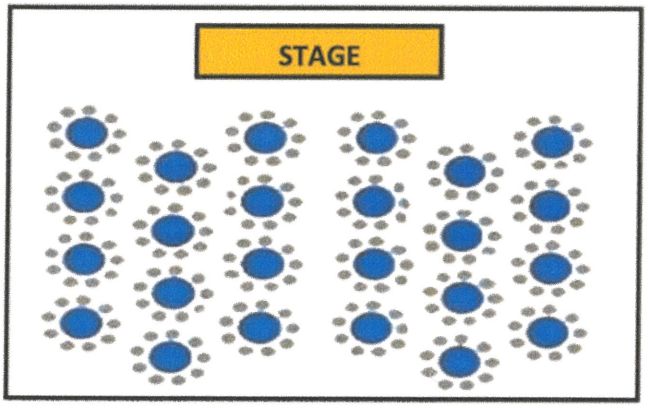
Floor Plan Examples



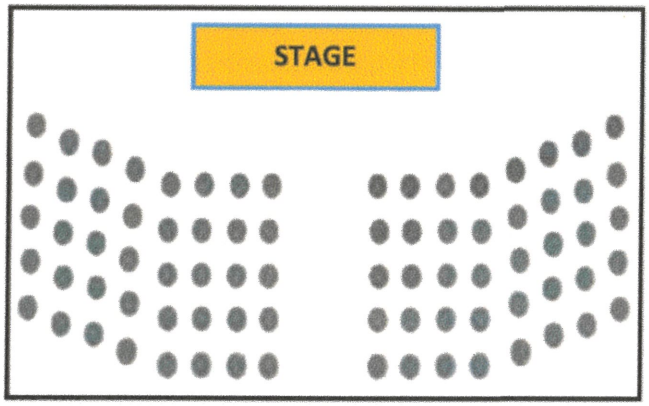
TABLES W/ DANCE FLOOR



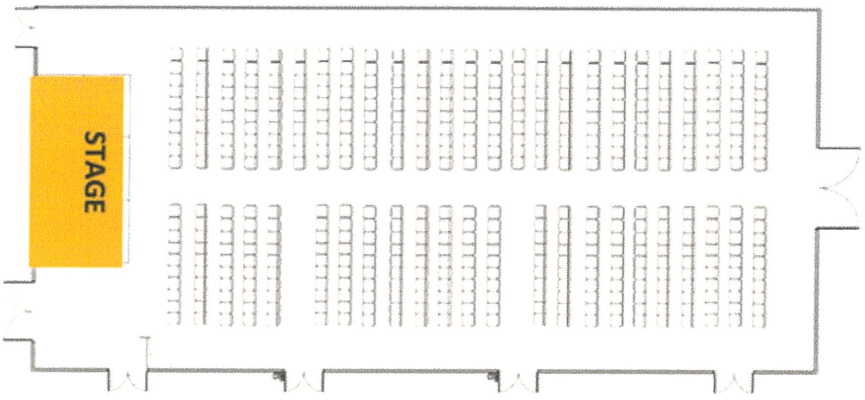
MODIFIED THRUST W/ CHAIRS AND TABLES



TABLES ONLY



CHAIRS ONLY



Chairs Only, Proscenium Style

Front of House Policy

An Arts Council planner will be designated for each performance and will be responsible for the smooth operation of the house, typically both the lobby and audience seating area. Ordinarily, this is the same person who has proposed the event, but if they are unable to fulfill this role, they shall find a replacement planner.

Responsibilities Prior to the Day of the Event

Prior to the event, the Arts Council planner is responsible for the following matters.

1. The number of tickets to be distributed and the seating arrangement for each event shall be established at the outset of the season after consultation with the Arts and Cultural Events Coordinator. The Arts and Cultural Events Coordinator shall monitor ticket sales and consider additional promotions in the event of lagging ticket distribution. The number of seats and tickets specified for the event at the time tickets go on sale generally will not be changed.

2. At the Arts Council meeting prior to the event, the Arts Council planner and the Arts and Cultural Events Coordinator shall solicit volunteers among the Arts Council members to assist at the event, tell them what their roles will be and what time they need to arrive. This information will be recorded at the meeting. The number of Arts Council members (and spouses) attending the event will be determined so that the appropriate number of comps can be calculated.

3. The Arts and Cultural Events Coordinator shall coordinate with the venue to ensure that the venue is open as necessary to accommodate the delivery of instruments, lighting, and sound equipment; the tuning of the piano, if applicable; and the arrival of the crew and performers for set up, sound checks, etc.

4. At least one week prior to the event, the Arts and Cultural Events Coordinator shall confirm with KICA or Seabrook Security that arrangements have been made to admit patrons through the front gate.

Responsibilities on the Day or Night of the Event

On the day or night of the event, the Arts Council planner and assisting members will welcome the public to the theatre and oversee their safety and well-being before, during, and immediately after the show. They answer questions, listen to patrons' compliments and concerns, and make audience members feel welcome.

1. The Arts Council planner shall walk through the lobby and seating area prior to the show to verify that the house is clean and presentable for the audience.

2. If there is a green room for performers, the Arts Council planner shall confirm that it is set up and that food and beverages, if promised, have been provided.

3. The Arts Council planner shall organize those who will assist with the performance as they arrive, designating greeters, ticket scanners, and program distributors (if applicable) and instructing them where they are to stand.

4. The standard time for opening the doors, which shall be printed on the tickets, will be 30 minutes to an hour before showtime. In all instances, the Arts Council planner shall consult with the performers before opening the doors.

5. The Arts Council planner shall make the curtain speech, introduce the performance or performer, mention upcoming attractions, and prohibit cell phone use or photography. They shall also thank the Mayor, the Town Council, fellow members of the Art Council, the venue owner, and specific people who have contributed to the support of the performance.

6. All assisting Arts Council members should know what steps to take to either evacuate the audience members or secure them in place. Arts Council members who are assisting on the night of the event should also be instructed as to where the emergency exits are located.

7. The Arts and Cultural Events Coordinator confirms show time with the artist's point of contact. If there are latecomers and a need to delay the start of the show, the artist's point of contact should be alerted.

8. For sold-out or nearly sold-out general admission performances, the Arts Council planner makes note of empty seats/tables and communicates these open seating areas to ticket takers or directly to audience members before they enter the theatre.

Box Office
When ticketing is administered by the Town and the Arts Council, there will be no tickets sold at the door.

Greeters
The greeters act as goodwill ambassadors for the Arts Council by greeting patrons as they enter. Greeters are to engage in conversations with patrons and should ensure that they are not blocking access to the event.

Traffic Control
When necessary, traffic control personnel will be assigned to direct patrons to or away from particular entrances and toward specific ticketing personnel and assist patrons with disabilities.

Arts Council Planner Checklist

Beginning of Season

- [ ] Complete the Event Planning Form and submit to the Arts and Cultural Events Coordinator

One Month Out

- [ ] Solicit volunteers at Arts Council the meeting prior to the event and establish arrival time for volunteers and the Arts and Cultural Events Coordinator

Day-Of

- [ ] Walk through the lobby and seating area to verify that the house is clean and presentable for the audience
- [ ] If there is a green room for performers, ensure that it is set up with the correct food and beverages
- [ ] Supervise volunteers
- [ ] Open house 30 minutes - an hour prior to show
- [ ] Make the curtain speech

Internal Ticket Policy

Release and Distribution

- All events are open to the public, and tickets for events are available on the Arts Council website on a first-come, first-served basis. Some sponsored events and artists may handle their own ticketing; in those cases, ticket information will be linked on the Town website.

- Select events are free of charge. For other events, there is a charge primarily intended to reduce the number of no-shows.

- Paid tickets are non-refundable. All paid ticket sales are final.

- All tickets are general admission, and seating is on a first-come, first-served basis. Doors do not open until 30 minutes or an hour prior to the event, and patrons are not allowed to reserve seats in advance with coats, etc. Reserved seats may be set aside at some events for Arts Council members working those events and because of contractual arrangements made with the artists.

- Ticket distribution amounts for unpaid events are generally based on the capacity of the venue plus a 15% overage to account for no-shows. No overage is used for paid events. The amount of tickets to be distributed will not be changed once distribution begins.

- Posters, the season planner, and announcements on the Town website or ikiawah, will state the event release date.

- Tickets for all events are limited to 4 or 2 per order.

- Tickets will not be held for or mailed to patrons. The ACEC does not operate a "will call" list.

Sold Out Events

- When all tickets have been distributed, patrons who seek to purchase tickets online will get a message that all tickets have been distributed.

- The ACEC does not maintain a "wait list" for sold out events.

- Patrons will not be encouraged to come on a standby basis to any events. No standbys will be admitted at sold-out events, whether paid or unpaid.

Accessibility

- For those patrons using wheelchairs or needing assistance, reserved, accessible seating at all events is available. Patrons wishing to reserve such spaces should contact Ruthie Foster at the Town of Kiawah Island at 843-768-9976 or rfoster@kiawahisland.org at least three business days prior to the event.

Contacts

Category	Name	Number	Email
Church of our Saviour	Teri Hiers	(843) 768-2046	teri@oursavioursc.com
Holy Spirit Catholic Church	Mackenzie Battle	(843) 768-0357	office@holyspiritsc.org
West Beach & Turtle Point	Barbara Steele	843-768-2766 (O) 843-200-1067 (C)	barbara_steele@kiawahresort.com
The Seabrook Island Club	Michelle Duplessis	843-768-7849	mduplessis@discoverseabrook.com
Freshfields Village	Karen Sassaman		ksassaman@edens.com
Lighting	Matt Varner, Prime Time Prodcutions	(843) 345-7842	primetimeprodsc@gmail.com
Sound	Andrew Higdon, Hope Sound	843-345-7226	hopesoundcharleston@gmail.com
Backline	Ron Wiltrout (Drums) David Sanders (Other)	803-463-2746 843-412-3918	ronwiltrout@gmail.com david@charlestonbackline.com

Expenses and Pricing Estimates

Venue

Turtle Point Clubhouse:	$280
West Beach Conf. Center:	$3,542

Piano Rental

5ft: $1,225	6ft: $1,325
7ft: $1,425	Concert: $1,925

Piano Tuning

$200

Sound

$2,200 - $2,500

Food & Supplies

Food Buyout:	$25 -50 per person
Green Room Food:	Estimate costs based on artist rider

Lighting

$1,300 -$1,700

Backline

$1,500 average (full)

Accommodations

$400 average / night at Andell

FYI

TOWN COUNCIL

Information Item





TOWN OF KIAWAH
Arts
& CULTURAL EVENTS

2023-2024 ANNUAL REPORT







CELEBRATING 20 YEARS OF PERFORMING ARTS EVENTS!

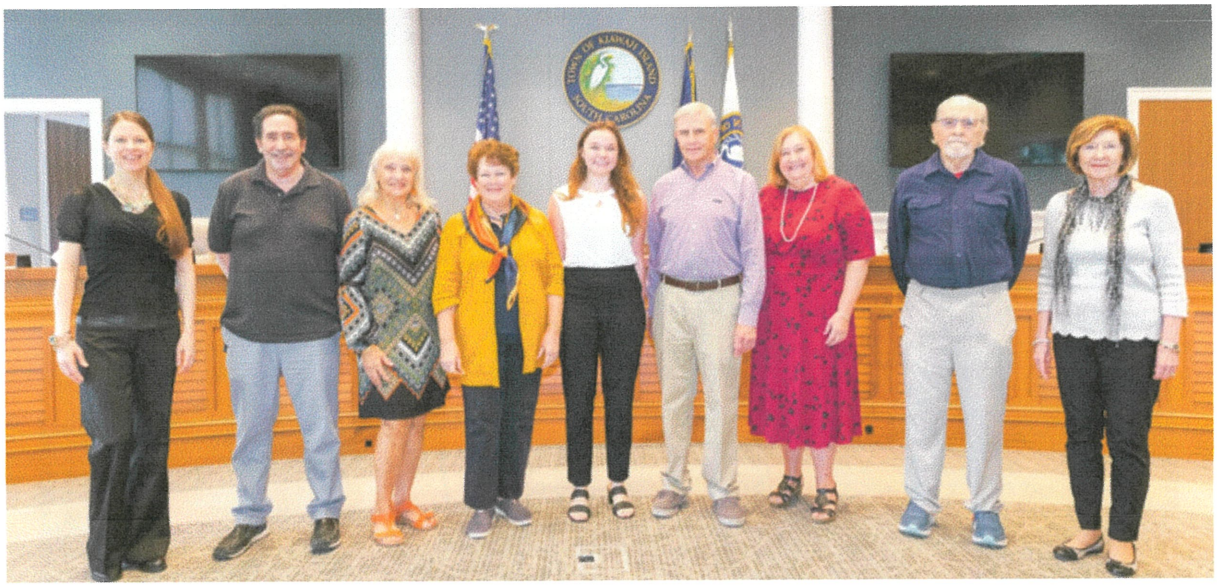
The Work of the Arts Council

2023-2024 Quick Facts

- 34 Events
- 6,937 Total Audience Attendance
- $58,617 Total Revenue
- 4,837 E-Blast Subscriptions

Since its creation in 2004, the Arts Council has grown from having 10 events per year with a $25,000 budget to having more than 30 events a year with a $300,000 budget. The program could not function without its 10 volunteer members responsible for proposing and selecting each season's events.

With the help of its members, Arts and Cultural Events Coordinator Ruthie Foster facilitates all event operations while offering administrative support and oversight.

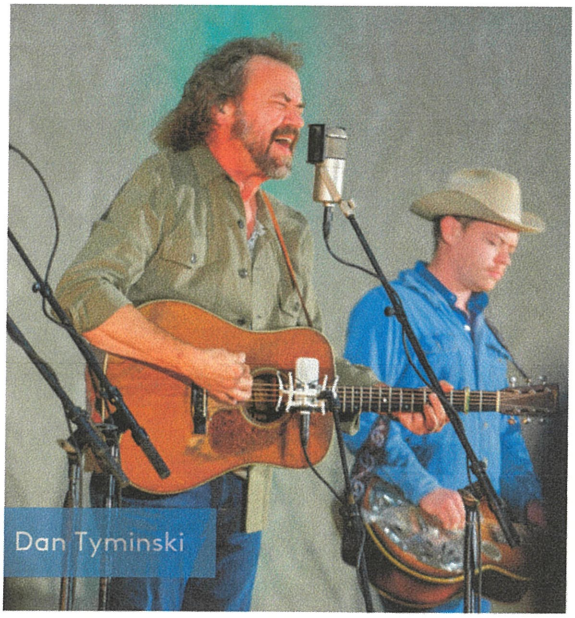


"Our mission is to enhance community and tourist appreciation and involvement in performing arts within the Town of Kiawah Island and its environs by providing a diversity of planned programs. We shall strive to ensure that Kiawah is recognized as an arts and culturally-minded community."

A Season in Review

The Arts Council's 2023-2024 season was a milestone, with the group celebrating its 20th anniversary. The core values of balance, diversity, variety, and quality were reflected in the 34 events presented by the Arts Council. From tango and historical theater to jazz and classical, there was something for everyone reflected in the range of programming.

The community's appetite for arts events is displayed in the record-breaking number of sell-outs, attendees, and revenue generated throughout the season. The Arts Council continues to pride itself on presenting a range of local, national, and international artists and its variety of free and paid events.


Dan Tyminski

The first half of the season included Alva Anderson's Jazz Quartet, the Charleston Symphony Orchestra, and Lowcountry Voices, which highlighted the immense local talent within the Charleston region.

Taking an international turn, other programs included the Canadian roots duo The Small Glories and the South American dance group Tango Lovers, where audiences experienced an interdisciplinary production like no other. Bluegrass icon Dan Tyminski and his vastly talented band put on an incredible performance, along with the Astralis Chamber Ensemble, who performed holiday favorites.


Queens of Rock and Soul

The second half of the season included the fan-favorite party band Liquid Pleasure and other high-energy favorites such as the Linda Ronstadt Experience, Queens of Rock and Soul, the Will Thompson Band, and the 18th Annual Blues by the Sea festival. Grammy Award-winning Quentin Baxter presented a highly acclaimed jazz series, and the Piano Bar and Art Film series remained a community-building success.

This season, the Arts Council paid tribute to its roots when it hosted renowned pianist Sean Kennard. Sean was a College of Charleston undergraduate student when he performed at the first Arts Council concert in 2004 (original flyer pictured to the right). The Council was honored to have him back for a special anniversary performance and cherished the full-circle moment.



The events listed above are just a fraction of the range of successful programming presented last season. The Arts Council is honored to continue providing quality arts events for the Kiawah community and its visitors.

Audience Preference Survey Summary

Towards the end of this season, an "Audience Preference Survey" was sent out to the community via e-newsletters and social media posts, and linked to the events webpage. Over the course of a few weeks, it received an outstanding 274 responses. Data was gathered on audience demographics, programming preferences, and any participant feedback. The Council will consider this valuable feedback from the community when planning for future seasons. A few of the survey findings highlights are listed below.

- 66% of the survey respondents were Kiawah Island residents, with the other 34% living off-island.
- E-newsletters are the most preferable method for respondents to stay up-to-date with event information.
- The majority of respondents were satisfied with current programming quality, variety, and diversity.
- When asked about what types of programming they would like to see in future seasons, music was the most popular box checked by 93% of respondents, followed by theater (69%), dance (49%), and film (27%).
- When asked about specific music genres they would like to see in future seasons, classical, jazz, rock, county, blues, and pop were notably listed.
- The survey included a portion for respondents to offer any open-ended feedback or suggestions for the Arts Council to consider when planning future seasons, and we received 103 valuable responses of varying degrees.

Social Media Launch

In an effort to better engage with its audiences, the Arts Council has recently launched its own Facebook and Instagram pages. Managed by the Arts and Cultural Events Coordinator, these pages will be useful for promoting upcoming events, showcasing past events, and staying connected with the community.

Both the Facebook and Instagram pages are growing steadily, and there are opportunities to collaborate with the Town social media pages through giveaways and other initiatives.



www.rb.gy/gqsnxo

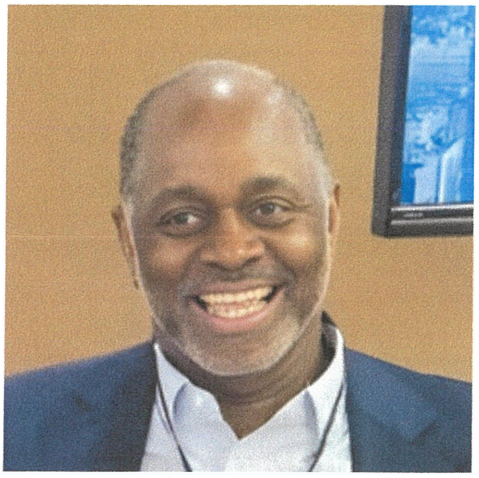
www.instagram.com/kiawahislandartscouncil/

New Member Highlights

This season, the Arts Council was lucky to welcome two new members. Read below about the amazing new additions, Rob Cushman and Ron McCray.



Rob Cushman brings a wealth of experience and passion to the Arts Council. With a distinguished background as a former marketing, communications, and public relations partner, Rob has excelled in planning and launching a variety of events. Rob has a deep-seated interest in the arts, encompassing a broad spectrum from classic to modern art. Rob's multifaceted expertise and enthusiasm for the arts make him a valuable addition to the Arts Council.



Ron McCray is a seasoned corporate director, investor, and former CEO who has served on numerous boards and held various executive positions. An active member of the arts community, Ron is vice chairman of Charleston Jazz and serves on the board of the Newport Festivals Foundation. He is also an accomplished musician, playing trumpet and saxophone. His extensive experience and passion for both business and the arts make him an excellent asset to the Arts Council.

Lowcountry Arts Center Update

On September 5, 2023, Webb Management consultants provided Town Council with the final Feasibility Study presentation regarding the potential addition of an art and cultural center.

Following the conclusion of the Feasibility Study, a new group was formed to determine the next steps with a potential center. Named the Lowcountry Arts Center (LAC), this group distinguished itself from the Town and was established as a nonprofit 501(c)(3) in January of 2024.

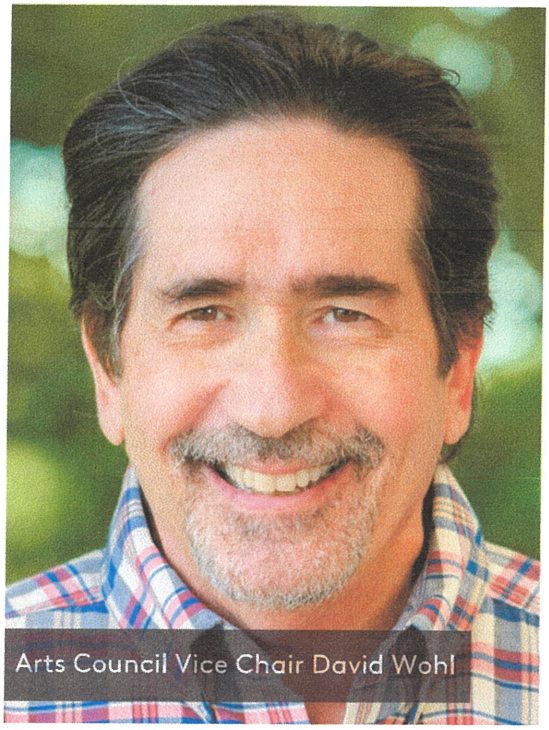
The Board of Directors includes residents of Kiawah Island, Seabrook Island, Johns Island, and Charleston. The newly formed organization is in the very early stages of gauging community support for the project, reviewing the feasibility study, exploring funding possibilities, and examining site potentials.

The long-term mission of the organization is listed below. For further information, contact LAC President David Wohl at dwohl23@gmail.com.

"The Lowcountry Arts Center is a dynamic hub for artistic expression, education and engagement, entertaining and inspiring the Johns Island communities through a variety of exceptional performances, exhibitions, events and educational programs."

A Thank You
From the Arts Council

This season, we are immensely grateful for the support of our community and want to thank our dedicated audiences for consistently attending and championing our events for over 20 years now. Our patron base, largely consisting of Kiawah Island residents, fuels our passion for bettering the community through the arts. This record-breaking season would not have been possible without you all.


Arts Council Vice Chair David Wohl

We want to thank Mayor Brad Belt, Town Administrator Stephanie Tillerson, and the members of Town Council for recognizing the importance of our work and supporting current and future endeavors. We want to thank our vendors for helping us build a theatre from the ground up for every event. A special thank you to Andrew Higdon from Hope Sound, Matt Varner from Prime Time Productions, Joseph Fox from Fox Music, and Chuck Higgins from Production Design Associates (PDA). We want to thank our venues for working with us to help schedule events. A special thank you to Barbara Steele at the Kiawah Island Golf Resort, Amy Cook at the Sandcastle, Michelle Duplessis at the Seabrook Island Clubhouse, Teri Hiers and Tom Hample at Church of our Saviour, Mackenzie Battle at Holy Spirit Catholic Church, and the Freshfields Village team.

Lastly, we thank our fellow Arts Council members who volunteer their time and expertise for each event. From initially proposing artists to helping on the day of the event, they are present every step of the way. The success of the program can be attributed to their dedication and passion alone. We cannot wait for another successful Arts and Cultural Events season. Cheers to 20 more years!

David Wohl, Vice Chair

Bill Blizard

Becky Hilstad

Jodi Rush

Joan Collar

Kristin Thompson

Dylan Keith

Kimberly Adele

Rob Cushman

Ron McCray

KIAWAH SANDS PHOTOGRAPHY

A special thanks to Arts Council member Dylan Keith of Kiawah Sands Photography for providing the photos within this report.

2023-2024 Highlights


Alva Anderson


Arts Council Member Kimberly Adele


The Linda Ronstadt Experience


Clara Camacho


Astralis Chamber Ensemble


Arts Council Members Bill Blizard and Jodi Rush