

**TOWN COUNCIL**  
**Municipal Center Council Chambers**  
**April 1, 2025, 1:00 pm**

**MINUTES**

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

**II. Pledge of Allegiance**

**III. Roll Call:**

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

**Also Present:** Stephanie Tillerson, *Town Administrator*  
Brian Gottshalk, *Public Works Manager*  
Caroline Wall, *Arts and Cultural Events Program Manager*  
John Taylor, Jr., *Planning Director*  
Patrea St. John, *Planner 1 / Landscape & Tree Specialist*

**IV. Approval of Minutes:**

- A.** Minutes of the Special Call Town Council Meeting of February 18, 2025
- B.** Minutes of the Town Council Meeting of March 4, 2025
- C.** Minutes of the Special Call Town Council Meeting of March 17, 2025

Mayor Belt stated that Council Members had received a copy of the minutes of the Special Call Town Council Meeting of February 18, 2025, the Town Council meeting of March 4, 2025, and the Special Call meeting of March 17, 2025, in advance. He asked if there were any additional comments or changes to the minutes.

No corrections were noted, and the minutes were accepted as presented.

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

None

**VI. Updates:**

**A. Mayor**

Mayor Belt began by noting the implementation of the new audiovisual system. Hopefully, those watching would notice a change in the camera angle and the audio quality. He acknowledged Neil Kindard as the person responsible for making sure that all the upgraded capabilities came together.

Mayor Belt discussed the mediated Settlement Agreement with the developer regarding the lawsuits brought against the Town regarding matters pertaining to the Cape Point Road extension, Ocean Pines, West End, and the Cape Club, and the issuance of a temporary certificate of occupancy for the Cape Club to commence operations with conditions having been met.

Mayor Belt stated that at the last Special Call meeting, it was agreed that the litigation initiated by the Town, the Kiawah Conservancy, and the Community Association against the property owner of Captain Sams Spit would enter into a mediation process. The process is ongoing after a full day of constructive conversations, with no final agreements reported yet. Mayor Belt highlighted the

Town's commitment to preserving and protecting Captain Sam's Spit, ensuring public access to Beachwalker Park, and protecting critical habitat for wildlife.

Mayor Belt's update on the Andell West project included the developer's desire to install a roundabout on the Parkway, the Town's request for an update on the development process, and whether the proposed plans were consistent with the agreement between community representatives and the developer.

*Mayor Belt* provided updates on the following:

- The town administration and council continue to work systematically through a wide range of policies and procedures.
  - Recently adopted new HR policies and procedures
  - a standardized municipal contract form
  - a standardized RFP (Request for Proposals) format
  - considering the second reading of an entirely new procurement ordinance
  - code enforcement policies
  - a complete rewrite of the Beachfront Management Act
  - Undertaking a number of zoning code changes

## **B. Council Members**

*Mayor Pro Tem Berner* provided updates on the following:

- On March 14<sup>th</sup> and 15<sup>th</sup>, the Community Emergency Response Team (CERT) members attended two days of training in life-saving skills and disaster response.
- Working on a potential design-build contract for a new wing to the municipal building.
- The Public Safety Committee discussed the Sandy Point area, including increased periodical patrols outside Sandy Point by the Charleston Police marine unit to show a presence.
- A Committee was formed to develop an action plan if the Kiawah Island bridge is lost in a hurricane or tornado, within two days, three days, or one week after such an event.
- Discussion with the Kiawah Island utilities about the sewage plant's excess capacity, and questions on whether it covers everything remaining to be built out on the island.
- A resident emailed about trash being piled up by a contractor.
- His attendance at the MUSC topping-off ceremony. MUSC is scheduled to open at the end of this year.

*Council Member Kaye* provided updates on the following:

- In the mediation discussion, all parties were made aware of the deep commitment this community has to preserving the sanctity of the Spit and its wildlife as represented by the shorebird stewards, the Turtle Patrol, and the Bobcat Guardians.
- A subgroup has addressed redrafting the entire beach management ordinance, and the dog leash issue is in the draft. The draft is expected to be presented before the Council sometime in the next couple of months.
- The Town's upcoming Earth Day celebration will focus on bobcats and encouraging additional signatures on the bobcat pledge. A podcast to publicize the Earth Day activities is in production

*Council Member Farrell* provided updates on the following:

- The launch of the restructured State Accommodation Tax Committee, which included reviewing the changes from last year, the charter, and continuing discussions on allocation philosophies.
- The launch of the Audit Committee, with new members, and new goals and objectives beyond financial audits.
- He participated in monitoring the bird banding on Captain Sam's Spit, including representatives from the South Carolina Department of Natural Resources, Georgia Natural Resources, the Seabrook and Kiawah wildlife departments, and shorebird stewards.

Council Member Spencer provided updates on the following:

- The first meeting of the infrastructure and public works committee laid out priorities and actions for the year, including inviting utilities and service providers to discuss capacity and resiliency plans.
- The meeting with Crown Castle, the tower provider for several towers on the island, along with T-Mobile, Verizon, and AT&T, focused on cell coverage initiatives, including recommendations and next steps for improving coverage.
- The Town's transition to the FirstNet public safety broadband network used by the country's vast majority of first responders and its benefits for enhancing communication during emergencies.

C. Administrator

Ms. Tilerson and Mr. Gottshalk provided updates on the leisure trail project, which included the approval of the contractor, Proper Paving. Once the contract is executed, the project should be completed in about 10 to 15 days, with the design and traffic control plan for biking and walking on the pathways still to be reviewed. Also discussed was the change order to increase the scope of work and include additional areas to address water retention issues.

Ms. Tillerson also provided updates on the following:

- The release of an RFQ (Request for Qualifications) for on-call engineering services.
- The RFP (Request for Proposals) for landscape services has been released and is due April 11<sup>th</sup>.
- The upcoming Planning Commission meeting will discuss the KiawahNext comprehensive plan, the aggressive schedule for the Planning Commission to make edits to improve the plan, and the goal of making a recommendation to the Council at the July meeting.

Mayor Belt discussed Ms. Wall's slightly expanded role as the Arts and Cultural Events Program Manager. Thus far, that position has been almost solely focused on the Arts Council programming, but now it also includes looking for opportunities for other arts and cultural events that would be of interest to Kiawah residents and visitors.

Ms. Wall announced that once a month, starting in April and running through August, the green space outside of town hall would be transformed into a food truck festival called Food Truck Friday. The events will be on April 18<sup>th</sup>, May 16<sup>th</sup>, June 6<sup>th</sup>, July 18<sup>th</sup>, and August 15<sup>th</sup> from 11 a.m. to 2 p.m. and will include a minimum of five to six vendors along with live entertainment.

VII. **Old Business:**

- A. To Consider Approval of **Ordinance 2025-03** – An Ordinance to Establish Guidelines for Encroachments and Permit Requirements on Kiawah Island Parkway and Beachwalker Drive - **Second and Final Reading**

Mayor Belt reviewed the changes made to the ordinance since its approval at the first reading. These included the addition of the new subsection (e) “documentation of existing site conditions, including photographs and a tree survey of the affected right-of-way,” and a new sentence added “A permit application fee, as set by the resolution of the Town Council from time to time, shall be required by the application.”

**Council Member Farrell made a motion to approve the second and final reading of Ordinance 2025-03 - to Establish Guidelines for Encroachments and Permit Requirements on Kiawah Island Parkway and Beachwalker Drive. Mayor Pro Tem Berner seconded the motion.**

Council Members discussed and clarified questions Mayor Pro Tem Berner posed about the language in the ordinance requiring an encroachment permit within or outside the town's corporate limits and a traffic analysis *as part of the permit application*.

***Following the discussion, the motion to approve the second and final reading of Ordinance 2025-03 was unanimously approved.***

**B. To Consider Approval of Ordinance 2025-07 - An Ordinance to Repeal and Replace Article 4 – Finance and Taxation, Chapter 4. – Purchasing – *Second and Final Reading***

Mayor Belt stated that following the approval of the ordinance on the first reading, there was an in-depth discussion at a special call meeting, during which council members had a number of proposed changes. Mr. Nicholson, one of the Town’s attorneys, incorporated all of the changes that were reflected in the draft dated 3/19; there were minor changes recommended subsequent to 3/19, so the current draft, entitled 3/28 - final edits, is what is before the Council now for final approval on second reading.

***Council Member Farrell made a motion to approve the second and final reading of Ordinance 2025-07 to repeal and replace Article 4 – Finance and Taxation, Chapter 4. – Purchasing. Mayor Pro Tem Berner seconded the motion.***

Mayor Pro Tem Berner pointed out a numbering error and discussed that the current policy has language about not being allowed to break up a purchase order or contract into sub-components to get under the \$5,000 threshold, and requested that language be added. He also pointed out the language that states if a protest is not resolved by mutual agreement, you need to go to mediation within 10 calendar days of the notice of protest. His concern is the possibility of getting a mediator that quickly.

Council Members further discussed some language that was missing, conforming changes that still need to be made, and the proposed change to the mayor’s small purchase authority from \$10,000 to \$20,000, to \$5000 to \$20,000, including unbudgeted items, and that with the concurrence of another Council Member.

***Following the discussion, the motion to approve the second and final reading of Ordinance 2025-07 was unanimously approved.***

**VIII. New Business:**

**A. To Consider Approval of Ordinance 2025-04 – An Ordinance to Amend Section 12-165. – Zoning Permits and Section 12-374. - Definitions to Clarify Items in which a Zoning Permit Shall be Required – *Public Hearing and First Reading***

Mayor Belt stated that the proposed ordinance amendment was a recommendation of the Planning Commission.

Ms. St. John stated that the proposed amendments to the zoning permit and definition sections add fences, docks, erosion control devices, and bulkheads to the items for which a zoning permit should be required. The amendment also adds consistent definitions to the zoning code. The proposed ordinance allows the initial stages of review for docks, bulkheads, and other erosion control devices to help educate property owners on green or hybrid solutions by having the applicant formally submit for review ahead of or at the same time to the state. The ordinance also allows the Town to require the applicant to provide information that the proposed structure will not have an adverse impact on the adjacent property owners.

***Mayor Pro Tem Berner made a motion to enter into the Public Hearing for Ordinance 2025-04. Council Member Spencer seconded the motion, and it was unanimously approved.***

No public comments were made.

***Council Member Kaye made a motion to return to regular session. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.***

**Council Member Kaye made a motion to approve the first reading of Ordinance 2025-04, the Planning Commission's recommendation to amend Section 12-165. – Zoning Permits and Section 12-374. - Definitions to clarify items for which a zoning permit shall be required. Mayor Pro Tem Berner seconded the motion.**

Mayor Belt expresses concerns about the inclusion of fences and the overly broad requirement of a zoning permit for any fence. He encouraged the deletion of fences for now and coming back to them later, or further defining the types of fences or criteria that would require a permit prior to the second reading.

Council Members discussed the types and locations of fences on the island, the ordinance definition of a fence, and the fact that the ARB (Architectural Review Board) administers architectural control of fences, not the Town. Members debated Council Member Farrell's point that there is a potential for overregulation, the redundancy of what the ARB requires, and that it creates more of a burden on the homeowner and the Town to administer. An in-depth discussion also covered the Town's role in regulating erosion control devices, the potential for bias in the Planning Department's approach to living shorelines, where they may or may not be appropriate, and the number of entities involved.

Mayor Belt stated that with a motion pending, there appeared to be no consensus on any of the concerns raised: either deleting fences, changing the language of fences at this point, or removing the underlying permitting process of docks, erosion control devices, or structures.

**Following the discussion, the motion to approve the first reading of Ordinance 2025-04 was approved by a 4 to 1 vote, with Council Member Farrell voting "No."**

**B. To Consider Approval of Ordinance 2025-05 – An Ordinance to Amend Section 12-160. - Development Agreements to Modify Review Procedures for Development Agreements– Public Hearing and First Reading**

Mayor Belt stated that the Planning Commission recommended the proposed ordinance to amend the process for reviewing and approving development agreements.

Ms. St John stated that the proposed amendment clearly outlines the review procedure for development agreements, allowing for a pre-application meeting with applicants to review these requirements. The Planning Director will then review a formal submittal for completeness, and a planning workshop will be scheduled to allow a review of the proposed agreement and to discuss it with the Planning Commission to provide feedback without taking any action. A formal presentation is then scheduled for review and recommendation by the Planning Commission. After receiving the Planning Commission recommendation, the Town Council shall hold at least two Public Hearings prior to voting on the approval of the proposed development agreement, as per state requirements. The proposed ordinance clarifies that all major modifications to the development agreement must have the Planning Commission provide a review and recommendation to the Town Council prior to being approved by the Town Council, but minor modifications may be approved by the Town Council without Planning Commission review and recommendation.

Mayor Belt discussed the current review process for development agreements, highlighting the limited involvement of the Planning Commission and the concept that the Council can approve and amend a development agreement without any public hearing process, only by vote.

Council Member Farrell questioned the definition of major versus minor modifications in development agreements. Ms. St. John clarified that major modifications to a development agreement include use standards, setbacks, buffers, building heights, lot coverage, and development schedules. Clerical or administrative items are considered minor modifications and may be reviewed and approved by the Town Council by a simple majority vote.

**Council Member Kaye made a motion to enter into the Public Hearing for Ordinance 2025-05. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.**

No public comments were made.

**Council Member Kaye made a motion to return to regular session. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.**

**Council Member Farrell made a motion to approve the first reading of Ordinance 2025-05 - to amend Section 12-160. - Development Agreements to Modify Review Procedures for Development Agreements. Council Member Kaye seconded the motion.**

Council Member Kaye praises the document as clear and necessary, given that the current process was flawed.

Council Member Farrell clarified that the initial approval of development agreements and major modifications should be by ordinance and proposed requiring a supermajority vote for both. The council debated the need for a supermajority vote for major modifications, with some members supporting it. It was felt that applying that same requirement for other major decisions, such as annexation or planned developments, should be discussed separately.

Mayor Belt indicated he would work with staff and the town attorney to make slight modifications to the ordinance language to clarify the form of consent on the approval or termination process for major modifications to development agreements. Council Member Farrell proposed adding amendments to the language.

Mayor Pro Tem Berner pointed out that the ordinance language states that only two people, the planning director and legal counsel, determine what constitutes a major and minor modification. The language should be revised to indicate that the council should determine what constitutes a major or minor modification.

Mayor Belt stated that, in accordance with the Council's discussion, the provisions dealing with amendments and major modifications and the approval process for the Town Council will be modified prior to the second reading.

**Following the discussion, the motion to approve the first reading of Ordinance 2025-05 was unanimously approved.**

**C. To Consider Approval of Ordinance 2025-06 – An Ordinance to Amend Section 12-76. – Waterfront Development Standards Applying to Properties Adjacent to Saltwater Marshes, Wetlands, Waterways, and Section 12-374. - Definitions to Modify Required Buffer Standards and Modify Lot Coverage and Associated Definitions – Public Hearing and First Reading**

Ms. St. John stated that the proposed amendment will require the BCM (Bureau of Coastal Management) to increase the critical line buffer for residential properties from 10 to 15 feet while the setback remains unchanged. An analysis of other SC local marsh front regulations indicates that Kiawah's current 10-foot residential buffer is less than other local community standards.

Ms. St. John stated that the required buffer provides a visual, spatial, and ecological transition zone between development and the island's saltwater marshes, wetlands, and waterways and protects water quality and wildlife habitat. The Comprehensive Marsh Management Plan and the Flood Mitigation and Sea Level Rise Adaptation Report recommend controlling stormwater with a vegetative buffer, which is considered one of the most effective ways to protect salt marsh habitat.

Ms. St. John explained that, subsequent to the Planning Commission recommendation, a suggestion was made to exempt some selective view pruning, currently prohibited in that buffer area. The materials include a chart that analyzes the requirements of other local communities.

Ms. St. John stated that the Town's *Zoning Categories and Standards for Classes of Use* include permitted density, lot size, and lot coverage. The proposed amendments clarify the definitions of these terms so that they can be applied consistently. They also exclude the area below the critical line from the lot area calculation and ensure that non-buildable areas, such as wetlands, do not count towards lot coverage calculations.

The Council Member's discussion included clarifying the areas excluded from the lot coverage calculation and the definitions of lot area, setbacks, and buffer areas. There was an in-depth discussion on the impact of prohibited activities within the critical line buffer area, agreeing to review the buffer zone amendment and consider adjustments.

Council Member Farrell expressed his concern that the ordinance does not do enough, suggesting that adjusting the slope's elevation as it approaches the water's edge and stopping the use of fertilizer would do more to protect the water quality in our ponds and marshlands.

Mayor Belt stated that the Planning Commission voted 5 to 0 to recommend approval of the ordinance.

Ms. Hennessy, the Planning Commission Chair, addressed Council Member Farrell's comments by stating that more vegetation was one step to help with water quality. The Planning Commission has shifted its focus from pervious pavers to overall stormwater management, considering other things like changing the land's topography to keep the water runoff on the land, also noting that fertilizer was not addressed.

***Council Member Kaye made a motion to enter into the Public Hearing for Ordinance 2025-06. Council Member Farrell seconded the motion, and it was unanimously approved.***

No public comments were made.

***Council Member Kaye made a motion to return to regular session. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.***

***Council Member Farrell made a motion to approve the first reading of Ordinance 2025-06, the Planning Commission's recommendation to amend Section 12-76. – Waterfront Development Standards Applying to properties adjacent to saltwater marshes, wetlands, waterways, and Section 12-374. - Definitions to modify required buffer standards and modify lot coverage and associated definitions. Mayor Pro Tem Berner seconded the motion.***

Council Member Farrell raises concerns about the Resort's compliance with the current buffer zone regulations. The members discussed the enforcement of the current buffer zone requirements and the need for consistent enforcement.

Mayor Belt stated that the motion's approval is subject to the Council's discussion to address some issues in subparagraph F, to clarify those activities that are prohibited and those that are permitted, and establish a policy of consistent enforcement prior to the second reading.

Council Members debated the suggestion that the current buffer zone requirements be immediately enforced and the preference to have the ordinance redrafted with the adjustments discussed prior to another first reading.

***Following the discussion, the motion to approve the first reading of Ordinance 2025-06 was approved by a 4 to 1 vote, with Council Member Farrell voting "No."***

**D. To Consider Approval of the Fiscal Year 2025/2026 Charitable Grants Funding Amounts**

Mayor Belt stated that the Charitable Grant funding amounts were discussed at length and recommended for approval by the Ways and Means Committee.

**Council Member Farrell made a motion for the approval of the Fiscal Year 2025/2026 Charitable Grants Funding Amounts in aggregate. Mayor Pro Tem Berner seconded the motion.**

Council Member Farrell praises the Town's efforts in supporting local charitable organizations, noting that the grants are distributed among ten food banks, three medical clinics, three home improvement services, and three enrichment programs for children.

Mayor Belt indicated that before next year, the Council may want to consider whether the classifications drafted in the guidelines are appropriate and whether more rigorous standards for administrative expenses versus program expenses should be applied to future grant applications.

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

**E. To Consider Approval of the 2025 Resiliency Committee Appointments**

Madeleine Kaye indicated that the Resiliency Committee members were discussed in detail at the last meeting. She highlighted the committee's robust first meeting, the Mayor's support for the committee's concept, and expressed optimism about the committee's potential to present real results.

**Council Member Kaye made a motion to approve the appointment of the members of the 2025 Resiliency Committee. Council Member Farrell seconded the motion, and it was unanimously approved.**

**F. To Consider Approval of the Public Safety Appointments**

Mayor Pro Tem Berner recommended two new appointments to the Public Safety Committee. Mr. Adam Shubsda, in charge of Public Safety at KICA, and Mr. Jimmy Harrington, the representative from Freshfields.

**Mayor Pro Tem Berner made a motion to approve the appointment of Mr. Shubsda and Mr. Harrington to the 2025 Public Safety Committee. Council Member Kaye seconded the motion, and it was unanimously approved.**

**G. To Consider Approval of the Planning Commission Appointment**

Mayor Belt stated that the Planning Commission appointment was to fill the vacancy left by Dr. Curran's resignation. After meeting with Mr. Robert Ryan, the Planning Commission Chair recommended that he be appointed.

**Mayor Belt made a motion to approve the appointment of Mr. Ryan to the 2025 Planning Commission. Council Member Farrell seconded the motion.**

Council Members Farrell and Spencer expressed their support for Mr. Ryan's qualifications and experience.

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

**H. Discussion of the TOKI Code Enforcement Policy**

Mayor Belt discusses the proposed code enforcement policy, including establishing a routine set of policies and procedures. He explained that the idea was not to write tickets or summonses, but to encourage voluntary compliance. Should a more rigorous enforcement be necessary, there is a

guideline for a stepped-up progression of fines, still allowing some discretion on the part of the code enforcement officers to impose different levels of fines, depending on the circumstances. Some of those types of circumstances, factors, or considerations are outlined in the policy.

Mayor Belt discussed the classification of municipal code violations as criminal or civil infractions. Currently, every municipal code violation issued a uniform summons is a criminal violation. When people pay a fine, they have pleaded guilty to the commission of a misdemeanor. The proposed policy provides some guidance and direction for enforcement of our current municipal code, but noted the need to distinguish between general offenses, which are properly under the misdemeanor category, where you would issue a summons and confer jurisdiction upon the Municipal Court, and ordinance violations, which are better characterized as civil infractions not involving the criminal court process, rather having an administrative process to resolve them.

Council Members engaged in an in-depth discussion on the impact of pleading guilty to a municipal ordinance violation in a criminal court on employment, background checks, security clearances, and how to resolve the issue. Mayor Belt indicated that he would work with the Town Attorney and other experts to clarify the enforcement process and ensure due process.

Mayor Belt and Mr. Edgerton discussed the progressive fine set and the importance of articulating the seriousness of town violations. The conversation includes specific examples like the leash law, with Mr. Edgerton noting the need for enforcement to be taken seriously.

Council Member Farrell questioned whether there were issues with dog leash law enforcement, particularly the lack of identification for owners and dogs on the beach. Mr. Edgerton explained the challenges of enforcing leash laws without people's ability to carry proper identification in beach attire, often relying on following offenders back to their car or home to get information.

Council Member Farrell suggested a potential solution: dog licenses for residents and visitors, using color-coded collars for registered dogs. Mayor Pro Tem Berner and Mayor Belt discuss the feasibility and enforceability of such measures, with Mr. Edgerton noting the enforcement ease but administrative complexity.

Council Member Spencer asked about enforcing short-term rental (STR) violations and loose materials ordinances, particularly the target of citations (owner vs. rental company). Mr. Edgerton clarified that the owner or the rental company could be cited and that loose materials ordinances are not directly tied to STR licenses.

The discussion included the potential for revoking licenses for repeated loose materials (dumpster) violations, concerns raised about the impact of multiple citations on large contractors, the importance of consistent enforcement and the potential for escalating fines for repeated violations, and the need for interpretive guidance for code enforcement officers, particularly in cases involving multiple sites or contractors.

Council Member Farrell questioned the progression of fines for different categories of violations, with Mayor Belt clarifying that verbal warnings should precede written citations.

## **IX. Citizens' Comments:**

### **David DeStefano – Burroughs Hall**

Mr. DeStefano raised concerns about the ARB's ability to approve without notifying the neighbors, noting the need for better communication. He highlighted potential issues with the increased buffer zones, also touching on the distinction between civil and criminal offenses, providing an example of a significant civil judgment.

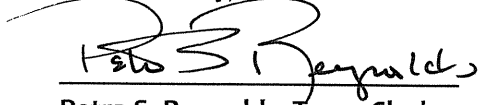
**X. Council Member Comments:**

Council Member Farrell expressed gratitude for the opportunity to share personal experiences and contribute to the discussion.

**XI. Adjournment:**

*Mayor Belt adjourned the meeting at 4:16 pm.*

**Submitted by,**



**Petra S. Reynolds, Town Clerk**

5/7/2025

**Date**