

SPECIAL CALL TOWN COUNCIL

Municipal Center Council Chambers

February 18, 2025, 9:00 am

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*
Jim Jordan, *Wildlife Biologist*

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

None

V. **Old Business:**

A. To Consider Approval of **Ordinance 2025-01** - An Ordinance To Amend Article 16 – Beach Management, Chapter 5. - Control Of Pets – **Second and Final Reading**

Mayor Belt stated that the second and final reading of Ordinance 2025-1, which adjusts the off-beach leash off-season period by two weeks, was time-sensitive and discussed at the last Council meeting.

Council Member Kaye made a motion to approve the second and final reading of Ordinance 2025-01 to Amend Article 16 – Beach Management, Chapter 5. - Control Of Pets. Mayor Pro Tem Berner seconded the motion.

Council Member Farrell confirmed the effective date as February 28th and questioned whether the Town was prepared with updated signage and if additional signs could be placed east of the Ocean Course to clearly indicate that the entire east end of the beach is off-limits to dogs.

Mr. Jordan stated that there should be two critical habitat signs, one immediately at the access point and another 100 yards further out, noting that it periodically gets washed out. He discussed the request for additional or improved signage in that area.

Mayor Belt mentioned the ongoing pushback regarding excessive signage on the beach. At a meeting, the ARB discussed issues related to signage and trash receptacles on the beach, as well as the formation of an informal work group to address these concerns. He noted that operational and public safety-related issues were paramount, and aesthetic considerations would be secondary.

Following the discussion, the motion was unanimously approved.

B. To Consider Approval of the Proposal for the Leisure Trail Project on Kiawah Island Parkway and Beachwalker Drive

Mayor Belt introduced the proposal, stating that it had been deferred from the previous council meeting due to Mayor Pro Tem Berner noting several issues related to the bid proposals received by staff.

Mr. Gottshalk provided an update on the concerns raised regarding the bid proposals. He stated that after compiling Mayor Pro Tem Berner's questions and concerns, they were submitted to the contractor. The answers provided explanations regarding the elevation of the Parkway and Beachwalker Drive leisure trail, compaction of the sub-base, and a justification of the pricing. Displaying a good, clear understanding of his bid proposal, Mr. Gottshalk recommended that Proper Paving design and construct the project as per the proposal submitted last month.

Council Member Farrell made a motion to approve the proposal for Proper Paving for the Leisure Trail Project on Kiawah Island Parkway and Beachwalker Drive. Mayor Pro Tem Berner seconded the motion.

Mayor Pro Tem Berner addressed the disparity in bids, followed by a discussion of his ongoing concern regarding the required increase in the bike path's elevation to mitigate flooding, the amount specified in the bid proposal, and the potential for change orders. He also noted that the existing bike path paving has already begun to crumble and fall away, which could lead to further complications.

The idea of separating the project into two parts was also discussed to address the flooding issue more effectively. However, Mayor Pro Tem Berner cautioned that the pricing may differ due to the project's smaller scope.

Council Member Kaye shared her observations after a recent heavy rainstorm, emphasizing the serious safety concerns posed by flooding on the trail. From her perspective, if the project needs to be modified or incurs additional costs, she would rather that so that the project proceeds.

Council Member Farrell appreciated the time spent on the extra work reviewing the project and proposal. Acknowledging that any potential change orders for extra fill, compaction, or border are well within the scope of what should be done from a safety and longevity standpoint, he noted that the cost difference is still so great that he felt the Town would ultimately be better off with Proper Paving and supported the project.

Mayor Belt agreed with the comments and discussed his observation that two hours after the rainstorm, all the water had gone in what had been the most problematic portion of the Parkway, which could be attributed to addressing drainage issues. However, it remains a low area that will allow water to accumulate, at least for a period of time.

After clarifying the area that had been referenced, Mayor Pro Tem Berner pointed out that more data were needed on how much and where the water was accumulating and whether the area coincided with the current scope of work.

Council Member Spencer recalled that the Ways and Means Committee recommended appending this contract when awarded to include the bend before the bridge towards Cassique. Mayor Belt stated that the Ways and Means Committee's recommendation was to approve the Proper Paving proposal, with the ability for the Mayor to approve a change order of up to \$30,000, but this was for out-of-scope work rather than any change orders.

The discussion included whether to proceed with the work on Beachwalker Drive now and potentially rebid the project to include all areas that flood, which are currently outside the scope of work, with improved specifications, then undertake the work in the fall. Members agreed on the importance of mitigating flooding and addressing safety issues, with Council Member Farrell noting

that the proposal included surveying the existing surface, which should identify the problem areas.

Council Member Spencer made a motion to amend the Ways and Means recommendation to approve the proposal from Proper Paving, with the Mayor having authorization to approve a change order up to \$50,000. Council Member Kaye seconded the motion, and it was unanimously approved.

The motion to approve the proposal for Proper Paving for the Leisure Trail Project on Kiawah Island Parkway and Beachwalker Drive, as amended, was unanimously approved.

VI. New Business:

A. To Consider Approval of the Barrier Island Ocean Rescue One-Year Contract Extension Request for Code Enforcement Services

Mayor Belt introduced the proposal for a one-year extension of the Barrier Island Ocean Rescue (BIOR) Code Enforcement services contract.

Mayor Belt discussed the current contract's focus, which was primarily on short-term rental (STR) compliance and the need for flexibility in staffing. A one-year extension is being proposed, as per the contract term, with some minor modifications, which include adjusting the coverage hours by moving them up an hour each day and shifting the focus to not only short-term rental compliance.

Mayor Belt also discussed the recent litigation filed by property owners in Folly Beach and Isle of Palms against both municipalities, which are both using the same outsourced parking enforcement service provider. The basis of the lawsuit, in part, was a reference to an Attorney General's opinion from last fall, which stated categorically that parking enforcement constitutes the exercise of a municipal police power that could not be delegated to a third party. If the property owners prevail, then code enforcement may also be considered as not being delegated to a third party.

Mayor Pro Tem Berner raised concerns that when extending an existing agreement, the terms cannot be changed. Mayor Belt clarified that both parties must agree to any changes with which Council Members Farrell and Kaye were in agreement.

Council Member Kaye made a motion to approve the Barrier Island Ocean Rescue One-Year Contract Extension as proposed to be amended. Council Member Farrell seconded the motion.

Mayor Belt stated that the BIOR contract had primarily been for evening or nighttime code enforcement, focusing on short-term rentals, which primarily involved parking violations, as well as bikes and beach paraphernalia left out overnight. He stated that one of the issues was that, with fewer violations of the STR ordinances than in the past, and current violations primarily being issued as warnings, there was still a lack of emphasis on other municipal code enforcement activities. Also at issue was the cost, considering that the Town could hire additional code enforcement officers at a lower cost; however, it did not account for expenses such as training, supervision, and vehicles. Moving forward with the extension would allow a year to evaluate the efficacy of the contract.

Further discussion included BIOR coordination with the Community Association patrols, the selection of code enforcement patrol areas, the effect of lower gas prices on the contract's budget, and encouraging greater visibility of evening patrols across the island.

Barrier Island Ocean Rescue presented a detailed overview of its history, operations, accreditation, and the effectiveness of its code enforcement efforts. The presentation included data on patrol activities, enforcement actions, and the impact of their efforts on short-term rental compliance. Additionally, it was noted that, in addition to enforcement activities, there are responses to medical calls, issues related to turtles, and any wildlife incidents that arise after hours.

Mayor Belt expressed appreciation for Barrier Island Ocean Rescue's professionalism and effectiveness and their willingness to work with the Town on a shift in focus to general ordinance compliance.

Following the discussion, the motion to approve the Barrier Island Ocean Rescue One-Year Contract Extension as proposed to be amended was unanimously approved.

VII. Council Member Comments:

Mayor Belt noted that the Town Council meeting in two weeks will have a fairly heavy agenda, with a lot to be considered, including a new procurement ordinance, a new encroachment permit ordinance, the previously deferred landscape contract, revisions to the HR manual, the resiliency Charter, and charitable grants. He also mentioned the start of the short-term budget process, as well as further changes to the beach management ordinance and two beach operations agreements.

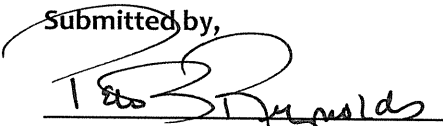
VIII. Citizens' Comments:

None

IX. Adjournment:

Mayor Belt adjourned the meeting at 10:02.

Submitted by,


Petra S. Reynolds, Town Clerk

4-2-2025
Date