

TOWN COUNCIL
Municipal Center Council Chambers
July 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*
Lance Spencer, *Council Member*

Absent: Madeleine Kaye, *Council Member*

Also Present: Stephanie Tillerson, *Town Administrator*
Dorota Szubert, *Finance Director*
Mac McQuillin, *Town Attorney*
Craig Harris, *Public Safety Director*
John Taylor, Jr., *Planning Director*
Daniel Vincent, *Planner 1*

Council Member Kaye was noted for the record of being out of the country and unable to attend in person or remotely.

IV. Approval of Minutes

A. Minutes of the Town Council Meeting of June 3, 2025

Mayor Belt indicated that Council Members had been provided with a copy of the minutes in advance of the meeting and that he had made a few edits, which were provided to the clerk. He asked if there were any other changes or comments. Council Member Farrell indicated he had also provided edits to the clerk.

With those changes, the minutes were deemed approved.

V. Citizens' Comments (Agenda Items Only)

Maura McIlvain - 146 Blue Heron Pond Road

Ms. McIlvain addressed the Council with several comments; She expressed appreciation for the ordinance cleanup work being undertaken, acknowledging the laborious nature of the process that had been ongoing since the retreat in February 2023. She noted that ordinances cannot be taken in isolation and must dovetail with other regulations.

Ms. McIlvain also expressed appreciation for the change in meeting order, noting that citizen comments at the end of the meeting were now placed before the executive session rather than after. She explained this was much more user-friendly for citizens who previously had to wait through executive sessions that could last more than an hour.

Regarding New Business Item B, which involved removing the ARDA from standing ordinances and reestablishing setbacks, Ms. McIlvain supported the effort but urged the Town to enforce the setbacks. She described a current situation in her neighborhood where a building appeared to be intruding on the setback. Still, a certificate of occupancy (CO) was granted, and she would encourage the Town not to grant a CO if there is an ordinance that is being violated.

Mark Permar - 81 Dungannon Hall, representing Property Owners in Ocean Park

Mr. Permar expressed gratitude for the initiative taken by both the Planning Commission and Council to consider rezoning residential lots in Ocean Park. He explained that when the Development Agreement expired, it defaulted to existing zoning standards, resulting in unintended side yard setbacks that affected almost 60 properties. Mr. Permar appreciated the prompt consideration and thorough work of the Planning Commission, which had extended the rezoning to additional properties. He stated that the property owners supported the Planning Commission's recommendations for the rezonings. Additionally, he noted that he and Roger Warren had represented Kiawah Island Golf Resort properties during the Planning Commission work session and that the resort also supported the recommendations.

Mayor Belt noted for the record that the Town had received seven written public comments in support of the Ocean Park zoning changes, with one being difficult to characterize as to whether it was in favor or not.

Karen Madoff - 47 Crested Flycatcher

Ms. Madoff spoke in support of the restoration of the shoreline around the Kiawah bridge, urging the Town's support for what she called an "extremely important endeavor." She had seen aerial photographs and kayaked in the area at low tide, observing that the marsh had regressed and would likely continue to do so without intervention. Ms. Madoff explained that some regression was due to boat wake and king tides, but emphasized that the Town has the means and ability to support the marsh. She described the marshland as "an extremely important habitat" serving as a nursery for shrimp, clams, and tiny fish before they reach the ocean. She noted it was a vital feeding ground for shorebirds. She emphasized that supporting the marsh would help prevent island flooding and was vital for the overall health of the island.

VI. Presentations

A. Human Resources Presentation by Demie Garcia, FGP HR Consultant

Mayor Belt introduced Demie Garcia from FGP (Find Great People), the Town's HR consultants. He noted that she and her colleagues had been working with the Town over the past year and had spent considerable time with Ms. Garcia and Ms. Kathryn Jeremiah on various projects to ensure the Town's HR policies and procedures were appropriate. While the Council had previously acted on a substantial revision to the HR Policies and Procedures Manual, Mayor Belt noted this "only scratches the surface" of their work. He explained that Council Members had requested additional information regarding the overall compensation and benefits program, as the Town had previously looked at benefits issues on a one-off basis without a broader context. The work with FGP aimed to examine the compensation benefits program both in aggregate and in individual components to compare with the marketplace.

Ms. Garcia began her presentation by outlining the topics to be covered: retention as it relates to the town, market pay comparison, the benefits program, the total compensation package, and recommendations. She explained that FGP had come to the Town following an engagement survey, with the Council approving HR support to be a voice for employees. They began with "get to know you" or stay interviews to build relationships, making employees feel comfortable reaching out.

Ms. Garcia detailed the various initiatives undertaken, including HR 101 training for leadership, DISC profile personality assessments for the entire staff to improve workplace communication across five generations, revision of the performance evaluation process with streamlined forms, updating the employee handbook, conducting benchmarking and compensation studies, compliance and personnel audits, implementing background checks for all positions, conducting exit interviews, revising the tuition reimbursement policy, and establishing a medical leave process for employee privacy.

Regarding retention, Ms. Garcia presented turnover data showing the Town's current rate at 7.1%, which she characterized as healthy, noting that a rate of around 10% is considered healthy. She explained that the national turnover rate is 13.5%, with many companies falling between 12% and 20%. South Carolina governmental agencies have significantly higher rates. She emphasized that

the Town's low turnover rate indicated they were doing many things right, though the goal remained to ensure all employees were heard and the workplace was desirable.

For the market study, Ms. Garcia explained they had compiled data from multiple sources, including the Municipal Association of South Carolina, Economic Research Institute, and Evergreen. The process involved reviewing each position's duties and responsibilities, establishing appropriate pay ranges, and placing positions in grades. Their findings indicated that some exemption classifications required adjustments in line with FLSA guidelines, with shifts in market rates for certain positions, and nearly all incumbents fell within their appropriate salary ranges. They recommended five exemption classification changes and six positions for grade elevation.

Ms. Garcia explained the Town's pay-for-performance philosophy for salary adjustments, which considers both performance reviews and position within the pay range. She provided a detailed example using a position with a \$50,000 midpoint, showing how employees at different points in the range would receive different percentage increases based on performance. For employees above the range maximum, she explained, they would receive lump sum bonuses rather than base pay increases to maintain equity. Council Member Spencer asked clarifying questions about lump sum payouts and promotions, with Ms. Garcia confirming that promotions would be evaluated based on the new position's range rather than penalizing internal candidates.

Moving on to benefits, Ms. Garcia reviewed the Town's offerings, noting that 12 holidays were in line with best practices, and paid time off was "at or above other organizations." She explained that leave of absence benefits, including bereavement, FMLA, jury duty, military leave, and parental leave, were competitive. Recently, the Town changed to paying 100% of medical, prescription, dental, and vision insurance for employees, which Ms. Garcia characterized as an excellent benefit. She explained that this approach aligns with current trends of paying for employee coverage rather than families, ensuring fairness across all employees. Other benefits offered at no cost to the employee are the Employee Assistance Program, tuition reimbursement, training, conferences, workman's compensation, and discretionary awards.

Ms. Garcia detailed the retirement benefits, noting the Town contributes over 18% to the SC Retirement System, offers retiree health insurance, and provides an optional 401(k) or 457(b) plan matching up to \$3,000. She presented a total compensation example showing that an employee, at a base salary of \$60,000, when including standard benefits, has a total compensation cost of \$82,500, representing 1.38% times base pay, which falls at the high end of the typical 1.25% - 1.4% range.

Ms. Garcia's recommendations included evaluating salary data for market shifts at least every other year, reviewing the 401(k) and 457(b) plan structure, reviewing supplemental benefit offerings before the next cycle, developing a list of partner discounts for wellness initiatives, and conducting another engagement survey.

Mayor Belt stated that, from an administration standpoint, he wanted to make sure that the Town is well compensating its employees. After pointing out some comparisons of the Town's benefits to the public and private sector, he felt the Town had a solid overall benefits and compensation program, which may be reflected in a very low turnover relative to most other organizations in the public and private sector.

During the discussion, Council Member Farrell asked about 401(k) matching standards, with Ms. Garcia noting the private sector typically offers a 100% match on the first 3-5% of contributions. Mayor Belt clarified this was for private sector employers not offering defined benefit (DB) plans. Council Members noted the state-mandated 18% DB contribution plus a 401(k) contribution was "incredibly unusual in today's marketplace." Further discussion revealed that, surprisingly, many Town employees don't participate in the 401(k) or 457(b) match, leaving "free money on the table," partly because they're already contributing to the mandatory state retirement system.

Council Member Spencer raised the consideration of Kiawah's high cost of living and commute distances as factors in attracting and retaining talent.

Council Member Farrell requested the total compensation pie chart be shown again, expressing appreciation for the analysis he had requested six months prior. He noted the 1.4x multiplier aligned with his management experience and emphasized to staff that the 401(k) match

represented a 100% return on investment. Ms. Garcia confirmed they would create individualized two-page summaries for each employee showing their total compensation.

VII. Updates

A. Mayor

Mayor Belt wished everyone a safe and enjoyable 4th of July holiday, emphasizing safety for drivers, pedestrians, and bicyclists. He noted the Town would be closed on Friday and reminded residents that personal fireworks use is prohibited.

Mayor Belt reported that both the Town and KICA had emphasized speed enforcement due to recent accidents, including car-to-car collisions, cars running off the road, and bicycle-car incidents. The Town installed three new speed monitoring devices - two on Kiawah Island Parkway near the Mingo curve and one on Beachwalker Drive. Data revealed that people consistently drove over posted limits, although the monitors had a salutary effect when lights flashed.

Mayor Belt discussed the revised relationship with the Charleston County Sheriff's Office, noting productive meetings with newly elected Sheriff Carl Ritchie. A new Memorandum of Understanding has been worked out addressing issues with off-duty deputy coverage. While Sheriff Ritchie committed to enhanced regular duty service, the cost for off-duty coverage had increased dramatically from \$45/hour two years ago to \$84/hour currently, despite initially being quoted \$61.60, which other municipalities are currently being charged. Due to the increased cost, the Town was easing into a new system with coverage on Fridays, Saturdays, Sundays, and holiday weekends.

Regarding boardwalks, Mayor Belt reported KICA had installed a platform at Boardwalk 38 to reduce the last step size and was undertaking an engineering review to transition back to a ramp this fall. He reminded everyone that the Town doesn't dictate whether beach entry is via stairs or ramps, only requiring structures to extend no more than 10 feet onto the active beach. He addressed one resident's threat to file ADA charges, explaining that Title II applies to municipally owned facilities, and these are private boardwalks covered under Title III.

The Mayor noted ongoing landscaping and tree work on Kiawah Island Parkway and Beachwalker Drive, with new plant materials to be installed in the fall after irrigation repairs. He mentioned continuing inquiries about gate traffic delays, which were primarily due to Saturday check-in operations beyond the Town's control.

B. Council Members

Mayor Pro Tem Berner, as the Public Safety Committee Chairman, warned about increased visitors and children darting in front of vehicles at stop signs, urging drivers to slow down at bike path crossings and to stop at intersections.

Mayor Pro Tem Berner reported on the following:

- CERT participated in the Swim Across America event on June 7th with 12 CERT Team members watching for distressed swimmers with no casualties.
- As a turtle patrol member, he noted nests were "significantly down this year" with predation "way up," expressing concern about the combination.
- His participation in:
 - June 5th infrastructure meeting on cell towers,
 - June 11th environmental meeting on marsh management and shoreline protection,
 - June 27th cultural facility proposal review, narrowing candidates from eleven to six for interviews.

Mayor Pro Tem Berner also reported that he had surveyed boardwalks and communicated with KICA about needed adjustments.

Mayor Belt clarified that predation levels were consistent with previous years, according to senior staff. However, Mayor Pro Tem Berner maintained that the percentage of predated nests was higher due to fewer total nests.

Council Member Farrell briefly noted that the SATAX approvals, which had been delayed from last month, were addressed in the Ways and Means Committee meeting with satisfactory resolution.

Council Member Spencer thanked Mayor Pro Tem Berner for mentioning cell towers, noting the Planning Commission would review the zoning ordinance the next day, for Council review and First Reading in August.

Council Member Spencer reported on the following:

- FirstNet implementation for improved emergency communications, with Barrier Island Ocean Rescue's transition occurring today to ensure improved coverage for the July 4th holiday.
- His support for adding language to the beach ordinance encouraging ramp use, where site conditions allow, enhances accessibility.
- After experiencing a neighborhood noise issue, there was a need for improved clarity in the current noise ordinance. Noting that Mayor Belt has been working on a draft of an improved ordinance, he encouraged expediting Council consideration.
- Suggested addressing concerns about sail carts again seen operating at speeds higher than ordinances allow.
- Thanks to Infrastructure Committee members Brad McIlvain, Phil Mancusi-Ungaro, and Dave DeStefano for their work on cell towers since December.
- Potential presentation to the Council by Phil Mancusi-Ungaro, on alternative approaches to SGA pesticide use.
- Efforts with Council Member Kaye to reinvigorate exploring the establishment of No Wake Zones on the Kiawah River for safety.
- The Infrastructure Committee had a productive meeting and presentation from Berkeley Electric, with Comcast scheduled for August.

Mayor Belt acknowledged Council Member Spencer's leadership of the recently reconstituted Infrastructure and Public Works Committee, noting their heavy workload, including cell coverage, utility provider relationships, and upcoming utility franchise ordinance development.

C. Administrator

Ms. Tillerson announced and provided updates on several items:

- Reminder of the upcoming Food Truck Friday on July 18th from 11 AM to 2 PM.
- Thank you to Council Members Spencer and Kaye for participating in the staff committee working on updating the Town's website. The new website is expected to be launched in the fall.
- The recent email migration from .org to .gov.
- The Planning Commission is meeting on Wednesday at 1:00 PM to review the Kiawah Next Comprehensive Plan and potentially make a recommendation to Council. She encouraged the public to participate.
- The Mayor has signed four of six on-call engineering contracts approved by the Town Council.

Mr. Harris provided updates on significant public safety incidents.

- On June 11th, beach patrol and first responders rescued a 14-year-old autistic juvenile approximately 450 yards from shore, reuniting him with his parents after 30-45 minutes.
- On June 15th, code enforcement and medical personnel handled an after-hours medical call where a male was unresponsive; after treatment, CCSO investigated and arrested him for overdose.
- On June 24th, a vehicle crashed into the Harris Teeter, with the driver transported for injuries.
- On June 29th, two missing juveniles last seen at Boardwalk 32 were located after an hour.

Mr. Harris emphasized the excellent collaboration between the Town's public safety department, KICA security, and resort security in resolving these incidents. He also reported 18 dog leash violations for the month: 14 verbal warnings, two citations, and two written warnings.

Council Member Farrell asked for clarification about the water rescue, confirming the child was floating and parents were attempting a rescue when Beach Patrol intervened via jet ski.

Regarding the Harris Teeter incident, Mayor Belt, who was on scene shortly after, clarified that the vehicle hit the rightmost pillar near the self-checkout after accelerating from a handicapped space.

VIII. Old Business

None

IX. New Business

- A. To Consider Approval of **Ordinance 2025-10** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning Ordinance Article II. - Zoning, Division 3 - Use Regulations and Section 12-374- Definitions to refine and regulate uses which are compatible with the purpose of that district, with or without conditions, or to restrict uses – **Public Hearing and First Reading**

Mr. Taylor presented the proposed zoning text amendment to the land use and zoning ordinance, specifically Division 3 on use regulations. The amendment eliminated several commercial retail uses as a by-right category or a conditional use, removed residential uses from the community support category, incorporated conditional use labeling for the Parks and Recreation-OC zoning district, and qualified parking areas not associated with proposed developments. Additionally, language was amended in the fences and pool sections to accommodate newer standard practices in the development and permitting process.

Mayor Belt provided context that this stemmed from discussions with Planning Commission members to reset the use table, which had been adopted from Charleston County. Many by-right uses appropriate for the broader county were not suitable for Kiawah, such as allowing a Home Depot in Freshfields Village.

Council Member Spencer moved to enter into the Public Hearing. Mayor Pro Tem Berner seconded the motion, and it passed unanimously.

During the Public Hearing, Council Member Farrell asked Mr. Permar about changes affecting Ocean Course properties. Mr. Taylor clarified the changes being made, that existing conditions for PR-OC were being moved to the conditional use category, with the condition being "dwelling units may be attached to and integrated with non-residential buildings, but shall be no more than four dwelling units in a building." Mr. Permar stated that he was supportive of the change.

Council Member Farrell moved to exit the Public Hearing and return to the Regular Session. Mayor Pro Tem Berner seconded the motion, and it passed unanimously.

Council Member Farrell moved to approve the Planning Commission's recommendation and the first reading of Ordinance 2025-10. Council Member Spencer seconded the motion.

During the discussion, Council Member Berner suggested adding "pickleball courts" to "tennis courts shall not be constructed" in Section 12-103, and to add a prohibition on their allowance on private property. He later expanded this to include padel courts and expressed concerns with noise and vegetation removal.

Council Members further discussed the standards that would apply to the construction of a court and accessory structure, noting that the restrictions on what accessory structure can be built reside in Section 12-104. Mayor Belt suggested referring this to the Planning Commission to review and make a recommendation regarding accessory structures rather than addressing it immediately.

Mr. McQuillin noted this issue had arisen in other coastal municipalities with noise-related lawsuits concerning pickleball courts. If the change were made today, it would be substantial enough to refer to the Planning Commission for another review and recommendation before a second reading.

Council Member Farrell asked for clarification on whether "bays" meant pumps or car spaces. The Council Members extensively discussed fuel bay limitations, with confusion over counting methods. After determining the General Store has two pumps serving four cars total and the Freshfields station has four pumps serving eight cars, they agreed on language specifying "four bays servicing eight cars at one time."

Additional discussion covered clarifying metal fencing materials to exclude chain link and ensuring temporary buildings and special events sections had consistent restoration requirements.

Council Member Farrell moved to direct staff to make three changes: defining the number of fuel bays as four bays serving eight cars, prohibiting chain link fences while allowing temporary construction fencing, and making language consistent on page 20 around temporary buildings and storage areas. Council Member Spencer seconded the motion, and it was passed unanimously.

The underlying motion to approve the Planning Commission's recommendation and the first reading of Ordinance 2025-10, as amended, was passed unanimously.

- B.** To Consider Approval of **Ordinance 2025-11** - An Ordinance to Amend Chapter 12 - Land Use Planning and Zoning Ordinance Pursuant to Existing Ordinance 2023-23 Removing the 2013 Amended and Restated Development Agreement From the Zoning Code as an Appendix and Clarifying the Setback Standards – **Public Hearing and First Reading**

Mr. McQuillin explained that this ordinance clarified ambiguous language from the repealed Ordinance 2013-14, which incorporated the 2013 Amended and Restated Development Agreement (ARDA) into the Town's Zoning Code. The intent was for sites developed before the ARDA expiration to use ARDA setbacks, while undeveloped sites would use base zoning setbacks. Ordinance 2025-11 clarified this to properly reflect the intent.

Mayor Pro Tem Berner moved to enter into the Public Hearing. Council Member Spencer seconded the motion, and it was passed unanimously.

No public comments were offered.

Mayor Pro Tem Berner moved to exit the Public Hearing and return to the Regular Session. Council Member Farrell seconded the motion, and it was passed unanimously.

Mayor Pro Tem Berner moved to approve the Planning Commission recommendation. Council Member Farrell seconded the motion.

Mr. Taylor pointed out that the motion to approve the Planning Commission recommendation would not include the revised version as presented today.

Mayor Pro Tem Berner withdrew his motion, and Council Member Farrell withdrew his second.

Mayor Pro Tem Berner moved to approve the first reading of Ordinance 2025-11 as presented. Council Member Spencer seconded, and it was passed unanimously.

- C.** To Consider Approval of **Ordinance 2025-12** - An Ordinance to Amend the Town of Kiawah Island Comprehensive Plan – Land Use Element Future Land Use Categories and – Comprehensive Plan Map IX.2, Future Land Use; to Change the Future Land Use Designation for the Subject Parcels within or Near the Ocean Park Neighborhood – **Public Hearing and First Reading**

- D.** To Consider Approval of **Ordinance 2025-13** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning, Article II. – Zoning, Division 2. – Zoning Map/Districts, Section 12-62. – Zoning Map by Rezoning the Subject Parcels Located within or Adjacent to the Ocean Park Neighborhood – **Public Hearing and First Reading**

Mr. Vincent presented both the comprehensive plan amendment and rezoning pertaining to the subject parcels located in and around the Ocean Park neighborhood. The Town was the applicant, responding to a letter from the HOA requesting the rezoning.

Mr. Vincent presented proposed future land use and rezoning maps, stating that the request aimed to rezone parcels from R-2 to R-1 residential zoning for all platted single-family residential home sites to better reflect existing and anticipated construction patterns. Properties not designated as single-family residential were recommended for rezoning to the most compatible district or retaining current zoning. It was noted that the request was presented to the Planning Commission at the June 4th meeting and unanimously approved the staff's recommendations with a few modifications, which are now reflected in the presented zoning map.

Council Member Farrell questioned the differences between R-1 and R-2, with Mr. Vincent explaining that R-1 is strictly single-family, while R-2 allows duplexes and townhomes. Additional differences include lot sizes and coverage requirements, with R-2 allowing 50% lot coverage for lots under 8,000 square feet versus 40% in R-1. The rezoning targeted smaller lots, particularly those

between 8,000 and 11,999 square feet, where side setbacks had increased from 10 feet under the ARDA to 15 feet, and would return to 10 feet with the rezoning.

Mr. McQuillin noted this would resolve one of the BZA pieces of litigation involving the Town.

Mayor Pro Tem Berner moved to enter the Public Hearing for both Ordinances 2025-12 and 2025-13. Council Member Spencer seconded the motion, and it passed unanimously.

No additional public comments were offered beyond earlier support.

Mayor Pro Tem Berner moved to exit the Public Hearing and return to the Regular Session. Council Member Spencer seconded the motion, and it passed unanimously.

Mayor Pro Tem Berner moved to approve the first reading of both Ordinance 2025-12 and Ordinance 2025-13. Council Member Spencer seconded the motion.

Council Member Farrell questioned the "civic and institutional" designation, with Mr. Vincent clarifying it was a future land use designation equivalent to the CS (Community Support) zoning designation. Discussion revealed confusion between land use and zoning designations, with Planning Director Taylor explaining land use provides broad direction for comprehensive planning while zoning provides specific development standards.

Council Member Berner asked about the purple area on the map, which was identified as Kiawah Island Utility property north of the Resort's maintenance yard, and the two smaller purple areas were identified as pump stations in response to Council Member Farrell's question.

Following the discussion, the motion to approve both ordinances on first reading passed unanimously.

E. To Consider Approval of Ordinance 2025-14 – Amending Procurement Policy Ordinance – First Reading

Mayor Belt explained two amendments to the procurement policy. First, closing gaps in approval authority between staff's authority and items going to council, specifically for unbudgeted items between \$5,000-\$10,000 (mayor approval) and \$10,000-\$20,000 (mayor plus one council member), and second, adding an exception for artistic services since competitive bidding doesn't work for specific performers.

Mayor Pro Tem Berner moved to approve the first reading of Ordinance 2025-14, amending the Procurement Policy. Council Member Farrell seconded the motion, and it was unanimously approved.

F. To Consider Approval of the Fiscal Year 2025/2026 SATAX - State Accommodations Tax Funding Amounts

Council Member Farrell stated that last month, the Council voted to table the approval of the SATAX funding amounts, sending those back to the Ways and Means (W&M) Committee. He reported that the W&M Committee had reviewed all requests individually that morning, examining each organization's location, financial status, and use of funds. Also considered were the SATAX Committee recommendation and the W&M Chairman's recommendation. The Ways and Means Committee also reviewed the funding request from the Town and CVB, recommending funding allocations to: CVB (\$902,870), Town (\$1,348,779), and outside organizations (\$1,439,850), with \$118,984 unallocated from the \$3.1 million total.

Mayor Pro Tem Berner moved to approve the Ways and Means Committee SATAX funding recommendations. Council Member Spencer seconded the motion.

Council Member Berner noted he attended, as a non-voting member, the W&M Committee's 1.5+ hours of rigorous line-by-line review and found all appropriations well thought out and appropriate.

Council Member Spencer appreciated having applicants present for real-time discussion and expressed frustration about funding Freshfields events. At the same time, a restaurant space remained empty for nearly a year, though acknowledging the Town couldn't tie the funding to filling the space.

Council Member Farrell noted the process revealed needs for improvement, including pre-clearing for statutory requirements, clarifying geographic boundaries for funding eligibility, and improving the voting process transparency, with plans to return to the Council with charter adjustments before the fall.

Mayor Belt noted that the W&M Committee accepted the recommendations of the SATAX committee regarding the Town's and CVB's allocations and made a few changes to some of the outside organizations. Two are not recommended for any funding based on the view that the funding request did not meet the statutory requirements.

Following the discussion, the motion to approve the Fiscal Year 2025/2026 SATAX Funding Amounts was passed unanimously.

X. Citizens' Comments

Maura McIlvain - 146 Blue Heron Pond Road

Ms. McIlvain returned to thank the Council for separating accessory dwelling units from accessory structures in the ordinance, appreciating the thoughtfulness. She added comments on cell towers from her professional perspective, noting that while the Town found "willing partners" in cell tower and service providers working toward solutions, she cautioned about liability concerns, stating the Town had "lost sovereign immunity" and warning about limited liability under the South Carolina Tort Claims Act.

Sean Cannon – Kiawah Conservancy

Mr. Cannon thanked the Council for SATAX funding for the Kiawah River Bridge Living Shorelines Project.

Brad McIlvain - 146 Blue Heron Pond Road

Mr. McIlvain raised concerns about the ARB (Architectural Review Board) approval process, particularly the lack of verification at project completion. He noted that while robust processes exist for initial approvals requiring ARB sign-off before Town permits, there's no check to see whether construction matches approved plans. He cited examples of homes built with conditioned space exceeding ARB approvals and suggested a more robust end-of-process review, possibly referring discrepancies back to the ARB.

Council Member Farrell noted the Town has rigorous building inspections, but clarified the Town has no authority over ARB matters. Mr. McIlvain argued that building permits are issued for specific-sized buildings with designated conditioned space, and discrepancies should be caught. He recounted speaking with an inspector who said setbacks were not his responsibility, only safety issues.

Mayor Belt acknowledged there had been internal communication issues between departments that needed improvement. He clarified that building inspections ensure building code compliance while the zoning administrator handles setbacks and lot coverage requirements. The discussion revealed that as-built surveys are not currently required for certificates of occupancy.

Building Official Bruce Spicher suggested creating an ordinance requiring as-built surveys, with Council Members expressing their support. Mayor Belt noted the ARB may require as-built surveys and agreed to explore voluntary compliance before considering an ordinance.

XI. Executive Session

- A.** Pursuant to S.C. Code Ann. § 30-4-70(a)(2), to Receive Legal Advice Protected by the Attorney-Client Privilege Concerning Pending Litigation and Proposed Property Purchase, and concerning matters related to Captain Sam's Spit.

Upon Returning to Open Session, the Council May Take Action on Matters Discussed in Executive Session.

Mayor Pro Tem Berner moved to enter Executive Session pursuant to S.C. Code Section 30-4-70(a)(2) to receive legal advice regarding pending litigation, proposed property purchase, and matters related to Captain Sams Spit. Council Member Farrell seconded the motion, and it passed unanimously.

Council Member Berner moved to exit the Executive Session and return to the Regular Session. Council Member Spencer seconded the motion, and it passed unanimously.

Mayor Belt noted no actions were taken or decisions made in Executive Session except for a forthcoming motion.

Council Member Farrell moved to approve the settlement of a pending litigation matter as discussed during the Executive Session. Council Member Spencer seconded the motion, and it passed unanimously.

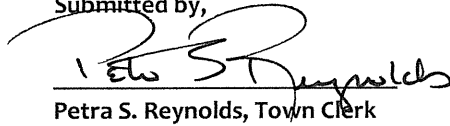
XII. Council Member Comments

No Council Members offered additional comments.

XIII. Adjournment

Mayor Belt adjourned the meeting at 4:02 pm.

Submitted by,


Petra S. Reynolds, Town Clerk

8-6-2025
Date