

TOWN COUNCIL
Municipal Center Council Chambers
March 4, 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*
John Taylor, Jr., *Planning Director*
Patrea St. John, *Planner 1 / Landscape & Tree Specialist*

Also Present via Zoom: Mac McQuillin, *Town Attorney*

IV. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of February 4, 2025

Mayor Belt stated that Council Members had been provided with a copy of the minutes of the Town Council Meeting of February 4, 2025, in advance. He asked if there were any additional comments or changes to the minutes.

Council Member Kaye noted that her changes had been made directly to the Town Clerk.

With no other comments, the minutes were accepted.

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

Philip Mancusi-Ungaro - 13 Bufflehead Drive

Mr. Mancusi-Ungaro was pleased that the Town was creating a resiliency committee, highlighting the need for a joint resiliency committee with KICA (Kiawah Island Community Association). In reference to the second reading of the stormwater regulation ordinance, he was pleased that the 2017 Charleston County numbers would be adopted but noted that the 2017 numbers are a little behind the times, given the changing rainfall and weather patterns. He suggested that since Kiawah is somewhat different in terms of topography and soils, the Town may want to examine its own numbers relevant to how its stormwater system operates.

VI. **Updates:**

A. Mayor

Mayor Belt introduced and welcomed Meredith Blair, the new Director of Communications and Public Affairs, providing details about her background and the selection process, which included approximately 240 applications for the position.

Mayor Belt provided updates on the following:

- The recent cyber email issue in which fictitious emails from the Mayor were received in the community. He clarified that there was no indication that any Town or outside email accounts were hacked, and an announcement was sent to reassure the community.
- Coyote sightings have been relatively few over the past several weeks, in part because of the passing of the mating season. Also noted was the capture and collaring of two coyotes. One left the island, and one remains on Capt. Sam's Spit.
- The off-leash dog policy was changed, moving up two weeks to begin March 1st and extending two weeks in the fall.
- The repaving of the leisure trails on Beachwalker Drive and other areas prone to flooding on the Parkway is expected to take a few days and is projected to be completed before the high season.
- The Town is re-bidding the landscape contract due to issues during the initial process, and the current vendor will continue services on a month-to-month basis.
- A note of appreciation from the Conservancy was given to the Town Clerk, Ms. Reynolds, for her assistance in what they consider to be an extraordinarily successful tag sale.

Updates on various development projects

- The Cape Club is in the process of meeting conditions for opening
 - The cul-de-sac at the end of Southern Pines Lane is now substantially complete
 - KICA's consideration of an MOU waiver took place the previous morning
 - The Town formally received a request for a temporary certificate of occupancy, which includes an operating and parking plan.
- The progress and upcoming milestones were reviewed for the site plans submitted for Ocean Park and West End, which are currently under plan review.
- MUSC has scheduled a topping ceremony for next week on Monday.
- A meeting requested by Riverstone, scheduled for later in the week, is related to a potential roundabout outside of Andell West.
- Notices were sent out that the Island Park Place development, also known as the Health and Wellness Village, located just up Betsy Kerrison, is back on the County calendar and scheduled for a hearing before one of the committees on Thursday, and believed to be on the County Council calendar for first reading on March 11.
- On the Night Heron Park project, Mr. Warren confirmed there had been some issues, but they were progressing and looking forward to completing the project this year.

B. Council Members

Mayor Pro Tem Berner began by sharing a personal anecdote while recently attending a soccer game, and then provided updates on the following:

- The preliminary concept of the proposed community center project included a type of entertainment venue with a stage and seating, so information gathering began with the Kiawah Arts Council and Arts Guild to determine the amenities they would prefer in a facility.
- The candidate selected as the Town's new enforcement officer was a very strong woman and considered to be a great addition to the enforcement effort.
- The First Net meeting he attended with Council Member Spencer was highlighted as a significant step forward for increasing telecommunications.
- Met with Ms. St. John regarding the tree ordinance and was pleased with the effort put into the ordinance and felt it was going to help with beautification and retaining grand trees.
- Discussions on eliminating the white sticks on the Parkway at Little Rabbit have resulted in the idea of retaining an engineering firm to put forward a small island with roll-on, roll-off curbs.
- He and Mayor Belt met with the new sheriff regarding what coverage he would be able to provide.

Council Member Kaye discussed increasing attention on Bobcat initiatives and efforts to increase Bobcat pledges:

- Plans for a larger presence on Earth Day activities on April 25th at Night Heron Park, including contests and raffles, to engage the community.

- New bobcat and coyote management cards are being developed for distribution at the CVB Welcome Center and other locations to increase awareness of these important wildlife animals.

Mayor Belt noted that the Coyote Management Plan, previously presented as a draft, has undergone significant revisions reflecting the input received from the community and Council Member Farrell. The finalized Coyote Management Plan is available on the Town's website.

Council Member Farrell provided an update on the budgeting process, with a first draft being presented at the earlier Ways and Means Committee meeting. He noted increased expenses, but revenues are expected to rise even further, allowing funds to be allocated to reserves, even with the current operating budget in place. He noted a conservative approach to budgeting, both from the revenue and expense sides.

Council Member Farrell reviewed the State Accommodations Tax (SATAX) application process. Applications from organizations that aim to grow, promote, and expand tourism will be accepted from March 5th to March 28th, with presentations to be made at the April SATAX Committee meeting. He also noted that, after reviewing the past use of accommodations taxes, the regulations, and a comparison to other coastal island communities, it was found that, from the Town's standpoint, it has been very conservative in its use of those funds and more forthcoming with its assets.

Mayor Belt encouraged outside organizations to review the permitted expenditures under the state accommodations tax categories and those that felt they might be able to expend the funds in accordance with state-allowed categories to submit applications to the Town.

Council Member Spencer provided updates on the following:

- The Infrastructure and Public Works Committee will hold its kickoff meeting this Thursday at 10:00 a.m. with a full agenda of items to be considered.
- The Town will be transitioning to FirstNet, the national public safety broadband network for first responders at the state, local, and national levels. FirstNet will be particularly helpful in emergency situations, enabling better communication among the Town, as well as with Charleston County and other support agencies.
- The purchase of a high-capacity Starlink terminal. It can provide internet access in emergency situations when the internet is lost at Town Hall.
- Following group meetings with the cellular providers, they want to improve coverage, but Kiawah is known as being too hard. The group is exploring what it will take to accelerate the improvement of coverage and speed.

C. Administrator

Ms. Tillerson reported on the following:

- In this year's deer culling, 50 deer were removed, and almost 1500 pounds of venison were donated to the Little Rock Holiness Church in Cottageville.
- The Town's new short-term rental compliance clerk, Stephen Whitaker, started today and comes to the Town from the Kiawah Island Community Association. Mr. Whitaker will be replacing Ms. Fox, who is retiring on March 20th after 27 years working on Kaiwah.

VII. **Old Business:**

- A. To Consider Approval of **Ordinance 2025-02** - An Ordinance To Amend Chapter 12 - Land Use Planning and Zoning Ordinance Section 12-129. – Tree Preservation and Landscaping Standards to Establish Minimum Landscape Standards- **Second and Final Reading**

Ms. St. John stated that following the first reading of the ordinance met with Council Members to address some of the questions raised. The only change made was a clarification under the applicability clause, which now reads "the provision of this article applied to all real property within the municipal

limits of the town of Gila Island, excluding single family residential developments. However, the provisions of this article shall still apply to single-family residential developments which are not subject to review or purview of any established Architectural Review Board.”

Mayor Pro Tem Berner made a motion to approve the second and final reading of Ordinance 2025-02 to Amend Chapter 12 - Land Use Planning and Zoning Ordinance Section 12-129. – Tree Preservation and Landscaping Standards to Establish Minimum Landscape Standards. Council Member Kaye seconded the motion.

In response to Council Member Kaye’s question, the black text in the exhibit was originally the Phase-1 Tree ordinance; everything in red has been added as Phase-2, the development of the landscape standards, which is what we approved on first reading. The only change from the first reading to the second reading is the text in blue.

Following the discussion, the motion to approve the second and final reading of Ordinance 2025-02 was unanimously approved.

- B. To Consider Approval of **Ordinance 2024-20** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning Ordinance Article II. Zoning, Division 5. General Procedural Requirements, Establishing Sec. 12-169. Stormwater Management Plan Review To Enhance Stormwater Management Best Management Practices for Purposes Of Reducing Flooding, Protecting Water Quality, Controlling Erosion, Fill, and Managing Runoff. - **Public Hearing - Second and Final Reading**

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

No public comments were made.

Council Member Farrell made a motion to exit the Public Hearing and return to regular business. Council Member Kaye seconded the motion, and it was unanimously approved.

Mayor Belt stated that the first reading of this ordinance took place in July 2024. He provided an overview of the events regarding site plans submitted for which the Town retained an outside engineering firm to review. At that time, the Town did not have the ordinance authority to impose the recommended changes. The goal was to establish a regulatory framework within the zoning code, enabling the requirement of best stormwater management practices for all development activities on Kiawah Island. There have been discussions about whether the original framework proposed was the best way to achieve this, which continued for several months and culminated in the current stormwater management review process.

Mr. Taylor briefly reviewed the timeline, including the Planning Commission introduction in May 2024. Following their initial review, the recommendation was further studied and presented to the Council in July 2024 for its first reading. He reviewed numerous workshops and discussions that have led to the proposed ordinance, which requires applicants to submit a site-specific stormwater management plan as part of the permit review process. The Charleston County stormwater manual standards have been incorporated for the second reading. Also included in the recommendation was that the Council consider conducting a third-party review for future stormwater reviews specifically.

Council Member Spencer and Mayor Pro Tem Berner expressed their appreciation for the hard work and collaboration in developing and refining the ordinance and its requirements. Mayor Belt addressed an earlier comment by stating that the ordinance provides statutory authority to apply both the DHEC and County standards as they are updated, as well as the authority to develop additional Town of Kiawah Island standards in addition to those imposed by either DHEC or the County.

Mayor Pro Tem Berner made a motion to approve the second and final reading of Ordinance 2024-20 to Amend Chapter 12 - Land Use Planning and Zoning Ordinance Article II. Zoning, Division 5. General Procedural Requirements, Establishing Sec. 12-169. Stormwater Management Plan Review To Enhance Stormwater Management Best Management Practices for Purposes of Reducing Flooding, Protecting Water Quality, Controlling Erosion, Fill, and Managing Runoff. Council Member Kaye seconded the motion, and it was unanimously approved.

VIII. New Business:

A. Discussion of the Beach Operations Agreement for Coastal Expeditions, LLC. And the Beach Operations Agreement for Tidal Trails

Mayor Belt stated that the Town ordinance provides that no commercial activity is permitted on the beach unless the Town has an agreement to provide such commercial activities. While not requiring Town Council approval, he asked for feedback from Council Members on the two proposed draft operational agreements.

Mayor Belt stated that Tidal Trails has provided paddleboard and surfboard services on the island for many years. A formalized agreement would conform to ordinance requirements and have a nominal franchise or operational agreement fee.

Mayor Belt stated that Sandy Point is a large beach area located on the island's far eastern end, accessible only by boat. It has been noted that hundreds of boats are beached at Sandy Point on summer weekends. At issue is the Dunlin Hotel advertising commercial trips to Sandy Point. Reaching out to their service provider, Coastal Expeditions, the owner, Chris Crowley, was invited to come in and work out an agreement that meets the ordinance requirements and some basic conditions, similar to those imposed on other commercial activities on the beach, including a nominal fee.

Council Members engaged in an in-depth discussion of concerns raised about the management and regulation of commercial activities on Sandy Point, potential indemnification issues, and suggestions for additional controls and compliance measures.

Chris Crowley, the CEO of Coastal Expeditions, provided details on his company's history and over 30 years of experience in the ferry service. He also detailed the organization's environmental education mission and the types of tours it offers, along with sharing some personal experiences.

During the lengthy discussion, the need for clear guidelines and regulations for commercial activities on the beach was emphasized. Suggestions for operating hours from sunrise to sunset and compliance with all relevant regulations were made. The importance of protecting the island's natural resources and ensuring public safety was also emphasized, with a focus on striking a balance between commercial activities and environmental stewardship.

Additionally, considering the town's current resources and constraints, the practicalities of managing and regulating commercial activities on the beach are considered.

Mayor Belt indicated that, unless the council clearly indicated the contrary, he intended to sit down with Mr. Crowley to address any outstanding issues, implement a few of the suggested additions, and proceed with executing this agreement. He encouraged a combined Environmental Committee and Public Safety Committee to establish a working group or task force to address issues related to Sandy Point, emphasizing the need for a balanced approach to managing commercial activities and environmental protection.

Council Member Farrell supported the Mayor in his administrative role of executing this contract but suggested adding language to increase the educational and environmental component of the contract.

Further discussion included public comments from Mr. Mancusi-Ungaro, who was concerned about opening a slippery slope by letting an off-island resort use Kiawah Island and agreed there was a need to look at what the problem is out there that we need to fix, and then, how do we make it work correctly? Mr. DeStefano posed a question that required defining the term “beaching a boat.”

Following the discussion, Mayor Belt indicated that he had some action items to consider and would decide whether to bring the agreement up for approval or have additional discussion.

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

Mayor Belt stated that the need for the ordinance arose from recent activity on the Town’s right-of-way and the realization that the Town had no requirement to file an encroachment permit. He noted three incidents where work was done without advance notification or the Town’s permission. In two of the incidents, the required mitigation and repair were completed; however, in the third incident, it was unknown who had damaged an irrigation line on Beachwalker Drive, which remained unrepaired at the time. The ordinance establishes a process for issuing required encroachment permits and, depending on the nature of the work, requires certain information to be provided to the Town’s Director of Public Works.

Council Member Farrell made a motion to approve the first 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.

Mayor Pro Tem Berner pointed out that in Exhibit A (2)(e) “inordinate wear” was an undefinable term and on page 4, item (e) he proposed as part of the permit application, adding a new sub paragraph (e) that requires photographic evidence or a survey of the area’s existing conditions before work begins to substantiate damage that is done during the work. Mayor Belt agreed with the amendment and suggested he work with the Town Attorney to craft language that essentially requires photographic or other evidence of existing conditions prior to the work.

Council Member Farrell asked if there was a permit cost, with none based on the current ordinance. Mr. McQuillian suggested the language “Town Council shall determine a fee from time to time based on resolutions of Council.” That way, the fee can be passed by resolution, and the Council can lower or increase the fee as the Town deems necessary.

Mayor Pro Tem Berner made a motion to amend the ordinance to add language in section 3(e) regarding evidence of existing conditions and, in the appropriate place, to add language that would explicitly state that a permit fee may be charged. Council Member Kaye seconded the motion, and it was unanimously approved.

The motion to approve the first reading of Ordinance 2025-03 - to Establish Guidelines for Encroachments and Permit Requirements on Kiawah Island Parkway and Beachwalker Drive as amended was unanimously approved.

C. To Consider Approval of the Amendment to the Town of Kiawah Island Employee Handbook

Mayor Belt stated that after reviewing the Town’s HR handbook, he noted that several provisions commonly found in other employment policies were not reflected in the existing handbook. He reached out to the Town’s HR consultants, FGP, to assist in the process and provided a high-level summary of the new provisions and updates added by FGP, substantially rewriting the handbook.

Council Member Farrell made a motion to approve the Town HR Handbook as revised. Mayor Pro Tem Berner seconded the motion.

Mayor Pro Tem Berner questioned whether the term “Municipal Officer” in the gifts and gratuities policy included the Town Council. Mayor Belt clarified that there were four statutory positions deemed to be Officers.

Mayor Pro Tem Berner noted that there was no provision for the consequences of violating policy. Mayor Belt clarified that an employee is subject to various disciplinary measures, up to and including dismissal, as referenced on page 4.05 of the handbook.

Mayor Pro Tem Berner stated that the current work week was 37.5 hours, but noted several references to a 40-hour work week. It was clarified as intentional because overtime only kicks in after 40 hours of work. Additionally, there are references to a 40-hour work week in the Family and Medical Leave Act.

Referencing the special pay provisions, Mayor Pro Tem Berner requested clarification on why all three criteria had to be met in a scenario where not all of those criteria existed. Discussion included that alternative work locations are considered places of work, and meeting all three criteria for special pay provisions only applies in very limited circumstances and could be amended by the Council at any time.

Council Member Farrell complimented the excellent work of the Mayor, Ms. Tillerson, and the consultants on the more robust and comprehensive document, which included items he had not previously considered.

The volunteer policy and the State Ethics Act, which covers municipal officials, were also discussed.

Council Member Kaye made a motion to approve the amendments to the employee handbook revised as of March 1, 2025. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

D. To Consider Approval of the Resiliency Committee Charter

Mayor Belt made a motion to approve the Resiliency Committee Charter. Council Member Farrell seconded the motion.

Council Member Kaye discussed the comment that the Resiliency Committee should be very inclusive, noting that it has representatives from KICA, the Resort, the Conservancy, and the multitude of “Ks” will also be involved in the committee. She felt that there was a need to look beyond those, as the committee is a complex initiative requiring a tremendous amount of collaboration.

Council Member Kaye noted that the 2018 Sea Level Rise report has not been updated; however, progress made since the Sea Level Rise report was incorporated into the Marsh Management Comprehensive Plan has been noted. She stated that the Resiliency Committee would have an aggressive and ambitious agenda. After reviewing a list of its objectives, she stated that the committee would have to be prepared to work hard in resilience efforts and, again, become one of the benchmarks on the East Coast. Taking the initiatives being worked on by the Marsh Management Workgroup and formalizing them into a standing committee provides the opportunity to set them aside and give them the priority they deserve to move forward.

Council Member Farrell suggested including a representative from Seabrook to address shared resiliency issues. Mayor Belt confirmed that with the elimination of the residency requirement, a Seabrook representative could be included as a voting member.

Following the discussion, the motion to approve the Resiliency Committee Charter was unanimously approved.

E. To Consider Approval of the 2025 Board of Zoning Appeals Appointments

Ms. Tillerson stated that the availability of two open positions on the Board of Zoning Appeals was advertised. No additional applications came forward expressing interest in serving beyond the current two members, Larry Rosenfeld and Phillip Adams, who have asked to be reappointed until 2028.

Council Member Farrell made a motion to approve the reappointment of Mr. Rosenfeld and Mr. Adams to the 2025 Board of Zoning Appeals. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

F. Review and Approval of State Accommodation Tax Charter/Guidelines

Mayor Pro Tem Berner made a motion to approve the State Accommodation Tax Charter and Guidelines. Council Member Kaye seconded the motion.

Council Member Farrell provided background on the State Accommodation Tax (SATAX) Charter and Guidelines, stating that when he joined the committee, he found there was no charter and felt the need to establish one that defined the committee's activities and responsibilities.

Council Member Farrell stated that upon reviewing the application requirements, it was found that, although overlapping, the SATAX guidelines differed from those for County, Local, and Hospitality taxes. Examining further how other beach communities allocated their accommodation funds provided insight into what was being funded and the applicant requirements, some of which included being within the town, being a nonprofit organization, and providing matching funds, all of which fell clearly within the state guidelines for the use of the funds. With Kiawah having the luxury of a significant amount of revenue coming in and a bit of a struggle spending it all, no additional requirements were put on the applicants other than to spend the money in Kiawah or the nearby surroundings.

Council Member Farrell indicated that the SATAX Committee would be educated on what has been learned, ensuring everyone has a level playing field. He noted that the Town would like to expand the application grants, both within the Town and beyond what is currently being done, because there are many good efforts out there that are not being funded.

Mayor Pro Tem Berner stated that at one time, he was asked why more applications were not submitted from outside Kiawah, and the Town would consider recruiting more applicants from outside the town. Council Member Farrell stated that, in addition to posting the application on the website, the Town Treasurer also reaches out to organizations she knows might qualify. While not a broad-based approach, consideration needs to be given to whether applicants would be able to undertake activities that are predominantly tourist-related, promoting, growing, and maintaining tourism on Kiawah.

Council Member Farrell added that historically, the Town has been very conservative in allocating accommodation tax monies. It is not looking to change that, but rather ensure that it allocates funding where it can be spent. Mayor Belt explained a different approach that would be taken in the future regarding the calculation of tax-related expenditures, which he confirmed is supported by state statute, the Town Attorney, and the Attorney of the Municipal Association of South Carolina.

Following the discussion, the motion to approve the State Accommodation Tax Charter and Guidelines was unanimously approved.

IX. Citizens' Comments:

David DeStefano – 31 Burroughs Hall

Mr. DeStefano raises concerns about people parking near the bridge and unloading bicycles to access the bike path, as well as making a U-turn to secure a parking spot. He also specifically mentioned the issue of individuals hauling boats, which was intended to be eliminated. He shared an incident where a fire truck narrowly avoided a collision with a large pickup truck making a U-turn, noting the skill of the fire truck driver in avoiding the collision.

Council Member Kaye discusses the environmental committee's re-evaluation of the roadway and the proposal for a ramp to control pedestrian and kayak traffic, which was previously stalled due to safety concerns.

Council Member Farrell suggested installing no U-turn signs to prevent dangerous maneuvers and mentioned the issue of contractors and large trucks pulling over to wait until 7 am. Mayor Pro Tem Berner agreed with the need to address the issue, and Mayor Belt acknowledged the complexity of finding a good solution to the parking and safety problems.

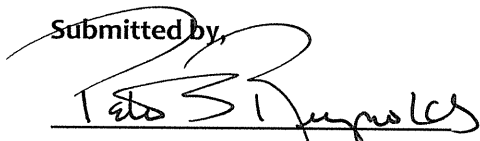
X. Council Member Comments:

None

XI. Adjournment:.

Council Member Farnell made a motion to adjourn the meeting at 3:56 pm. Council Member Spencer seconded the motion, and it was unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

4-2-2025

Date