

MAYOR:
Bradley D. Belt

TOWN ADMINISTRATOR:
Stephanie Tillerson

TOWN ATTORNEY:
Stafford J. McQuillin III



MAYOR PRO TEMPORE:
Russell A. Berner

COUNCIL MEMBERS:
E. Luke Farrell
Madeleine Kaye
Lance Spencer

TOWN COUNCIL
Municipal Center Council Chambers
March 4, 2025, 1:00 pm

AGENDA

- I. **Call to Order:**
- II. **Pledge of Allegiance**
- III. **Roll Call:**
- IV. **Approval of Minutes:**
 - A. Minutes of the Town Council Meeting of February 4, 2025 [Tab 1]
- V. **Citizens' Comments (Agenda Items Only):**
- VI. **Updates:**
 - A. Mayor
 - B. Council Members
 - C. Administrator
- 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** [Tab 2]
 - 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** [Tab 3]
- VIII. **New Business:**
 - A. Discussion of the Beach Operations Agreement for Coastal Expeditions, LLC. And the Beach Operations Agreement for Tidal Trails [Tab 4]
 - 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** [Tab 5]
 - C. To Consider Approval of the Amendment to the Town of Kiawah Island Employee Handbook [Tab 6]
 - D. To Consider Approval of the Resiliency Committee Charter [Tab 7]

*Each speaker shall be limited to five minutes. No more than 30 minutes shall be allowed for citizen presentations, comments, and/or questions, and the time shall be divided equally among those requesting to speak.

FOIA: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island

- E. To Consider Approval of the 2025 Board of Zoning Appeals Appointments
- F. Review and Approval of State Accommodation Tax Charter/Guidelines

[Tab 8]
[Tab 9]

- IX. **Citizens' Comments:**
- X. **Council Member Comments:**
- XI. **Adjournment:**

*Each speaker shall be limited to five minutes. No more than 30 minutes shall be allowed for citizen presentations, comments, and/or questions, and the time shall be divided equally among those requesting to speak.

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TAB 1

TOWN COUNCIL

Agenda Item

TOWN COUNCIL
Municipal Center Council Chambers
February 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*
Mac McQuillin, *Town Attorney*
Dorota Szubert, *Finance Director*
Brian Gottshalk, *Public Works Manager*
Jim Jordan, *Wildlife Biologist*
Patrea St. John,

IV. Approval of Minutes:

A. Minutes of the Town Council Meeting of January 7, 2025

Mayor Belt stated that Council Members had been provided with a copy of the minutes of the Town Council Meeting of January 7, 2025, in advance. He asked if there were any additional comments or changes to the minutes.

Council Member Kaye noted that a minor change had been made directly to the Town Clerk.

V. Citizens' Comments (Agenda Items Only):

None

VI. Updates:

A. Mayor

Mayor Belt commended the Town, KICA (Kiawah Island Community Association), CCSO (Charleston County Sheriff's Office), and contracted individuals for their quick response to Snowmageddon and discussed some of the challenges the island faced during the storm.

Mayor Belt discussed the delayed strategic planning meetings held in the past week. Council Members covered various issues that the Town would be looking at and addressing throughout 2025. Some of those issues and others were addressed at the Town Hall meeting hosted by Mayor Belt last week. Both are viewable on the Town's YouTube website.

Mayor Belt provided an update on the long-awaited mediation agreement that was entered into last October. After a lengthy period, all the attachment documents have been confirmed, and this past Monday, an agreed-upon consent order was submitted to the court for approval. With the

agreement on the consent order, he anticipated having conversations on the potential opening of the Cape Club and beach cottages once operational and temporary parking issues are resolved.

Mayor Belt provides updates on various development projects:

- Signs for the new activity center were noted, with Mr. Warren confirming a projected opening in 2025.
- Seafields, now owned by Bishop Gadsen, is proceeding apace and expects to open in 2025.
- A community drop-in meeting, hosted by the Partners, is scheduled for the Orange Hill project, with a subsequent county workshop planned.
- A County staff briefing, scheduled for Thursday, will provide updates on the delayed Main Road Corridor C project. Concerns are raised about potential further scaling back or cancellation of improvements.
- The County meeting regarding the health and wellness village on Betsy Kerrison Parkway was subsequently deferred and has been deferred again.

B. Council Members

Mayor Pro Tem Berner

- The first CERT (Community Emergency Response Team) held its first meeting of the year, with two new members, including a service dog trained for search and rescue.
- Plans for emergency response and CPR for all CERT members are in progress.
- The need for tabletop exercises for unforecasted events, such as tornados and earthquakes, is highlighted.
- Mayor Pro Tem Berner and Mayor Belt will meet with the new sheriff next week.

Council Member Kaye

- The revision of the Environmental Committee into two parts: wildlife and resiliency.
- The draft charter for the Resiliency Committee is ready for council review. It focuses on environmental sustainability and the issues identified by the Comprehensive Marsh Management Plan and the Sea Level Rise Report.
- Updates on the Bobcat pledge and efforts to increase Bobcat population numbers were provided.
- Commendations for Mr. Joran's work on the Coyote Management Plan and its positive community feedback are shared.

Mr. Jordan provided an update on the Coyote Management Plan and actions undertaken:

- Increased patrols by Wildlife, Code Enforcement, and Public Safety staff.
- Unveiled a public reporting form for coyote sightings
 - 49 sightings entered, 39 in January, the majority in Ocean Park.
 - Movement of coyotes likely due to the beginning of the breeding season
- More of an aggressive hazing action is taken if a coyote appears to be losing its fear of people.
- Launched a living with coyotes web page on the Town's website.
- Upcoming trapping activities.
- The current estimated population size is four to ten, and likely a stable population.
- Two coyotes collared last year :
 - Female roamed half the island for three months – last location was Charleston Landing
 - Male left the island within three days – last location across from Boeing
- There will be as many coyotes in the area as the ecosystem can support

Council Member Kaye

- Work on the complicated pervious surface initiative continues.
 - Planning Commission putting information together to get better informed.
- The Communications Director position has received over 230 applicants.
- Suggestion to revisit the Town's website – one that can be easily navigated.

Council Member Farrell

- Budget Season –

- healthy budget and growing revenues and income
- emphasized the need for prudent management and strategic planning.
- prioritization of capital projects
- do a reserve analysis
- The process of committee restocking is underway, with a focus on diversification and filling needs.
- Expand State Accommodation Tax projects to help increase tourism
- Strategic planning sessions covered various issues, including State Accommodation Tax and budgeting.

Mayor Pro Tem Berner stated that in the past, concerns were raised about the sustainability of building permit revenue due to construction ending. Ms. Szubert indicated that an increase in building permit fees had increased the revenues. Mayor Belt added that as primary development ends, some decrease in permit revenue is probable over time.

Council Member Spencer

- Infrastructure and Public Works Committee - broad oversight and involvement in various service providers, utility projects, and infrastructure projects.
- Finalizing meetings with three cellular providers looking for ways to improve coverage on the island.
- Public Safety Communications - transition to the FirstNet network for priority and preemption for first responders.
- Net-Zero stormwater management practices – best practice for many communities, especially coastal communities. Explore if something could be accomplished here based on the best practices of other communities.
- Encouraged to fast-track the stormwater management ordinance to the March agenda for the second reading.

C. Administrator

Stephanie Tillerson

- The FY 2026 budget process has begun, with the information submitted by departments being pulled together and reviewed. The first draft of the budget is anticipated to be presented at the March Ways and Means Committee meeting.
- The Building Services Department is reviewing revised drawings for the Ocean Pines project, and the West End/Upper Beachwalker Drive plans are still under review.
- Clemson, the state regulatory agency for second-generation anticoagulants (SGAs), made a statewide requirement to restrict the use of SGAs by individuals who are not licensed,
- The importance of encouraging residents to sign the Bobcat pledge is emphasized.
- A number of Charitable Grant funding applications have been received. Staff members have volunteered to interview applicants and make funding recommendations.

VII. Old Business:

None

VIII. New Business:

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

Mayor Belt introduced Ordinance 2025-01 as a narrow amendment to the beach management ordinance regarding off-leash dog rules. It is not the broad changes to the off-leash rules that have been discussed, but they would be addressed, along with some other changes, at a future Council meeting.

Mr. Jordan stated that the Environmental Committee had been studying the issue of pet restraints on the beach and critical habitat impacts to shore birds for a year and is now examining the entire Article 16, Beach Management, because many things need to be fixed.

Mr. Jordan explained changes, which focused on the impact of off-leash dogs on endangered Red Knots.

- The new off-leash period will shift two weeks earlier, from October 16 to February 28, to protect migrating Red Knots.
- It does not impact critical habitats where dogs are never allowed. It also does not impact the current dog use area, where dogs are allowed off-leash year-round.

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

Council Members discussed compliance and enforcement, the need for a comprehensive plan to ensure compliance, particularly for guest dogs, the Beach Management Act review, and the suggestion of a registration requirement for pets on the beach. Also discussed was a compliance plan that includes better education, more staffing, and looking at signage.

Following the discussion, the motion was unanimously approved.

B. 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- Public Hearing and First Reading

Council Member Farrell made a motion to move into the Public Hearing for Ordinance 2025-02. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

Ms. St. John presented Ordinance 2025 02 as phase two of the landscape and tree preservation ordinance, the first of which was passed in April of last year. Following the same process as phase one, the stakeholder workgroup worked for several months to develop the minimum standards.

Ms. St. John stated that the ordinance aims to preserve and enhance the natural environment, ensure the continuance of the environment and specimen trees and forests we have, and examine the proper care of trees and shrubs that we're implementing and using, utilizing the industry's best standards in that implementation.

Ms. St. John provided an overview of the process from the workgroup presentation of the ordinance to the Landscape and Tree Preservation Board, who recommended it to the Planning Commission, and the approval of the Planning Commission. She further reviewed the applicability standards, the Planning Commission amendment to exclude single-family residential, minimum landscape plan requirements, installation, maintenance and replacement standards, and minimum lot landscape requirements.

Council member discussion included the applicability of the standards, enforcement mechanisms, and minimum lot landscape requirements.

Carol Medendorp – Parkside

Ms. Medendorp questioned whether regimes had to follow the requirements and whether a regime representative was in the workgroup. Ms. St. John clarified that regimes are required to follow the requirements, and regime residents are on the Landscape and Tree Preservation Board.

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

Mayor Pro Tem Berner made a motion to approve the first 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.

Mayor Pro Tem Berner pointed out some language that needed clarification or revision for the second reading. Members engaged in an in-depth discussion of the mitigation requirements for tree removal, particularly within the building footprint, the concern raised about the feasibility of replanting trees in heavily forested areas, and the use of the “Planning Director’s discretion,” as opposed to the “Board,” with regard to mitigation standards. Also discussed was the importance of public participation in the review process, and the role of the tree preservation board is emphasized.

Following the discussion, Mayor Pro Tem Berner emphasized the need for vigilance and verification rather than trust. Mayor Belt agreed, noting that the Town started implementing the ordinance to ensure compliance.

Council Member Spencer inquired about enforcement through the zoning code compliance process. Ms. St John explained the process, including approved preservation and landscape plans before obtaining a zoning permit.

Roger Warren,

Mr. Warren commented on how well the Town has managed this type of tree process to this point, sharing experiences with moving specimen trees and the importance of designing with nature. He suggested not spending too much time on past issues and offered to sign an agreement for future projects.

Mr. Warren emphasized support for the Town's efforts and the need for flexibility in the ordinance. Mayor Belt acknowledged the flexibility and the importance of the Resort's continued practices.

Council Member Farrell commended the Planning Commission and individual members for their comprehensive work on the ordinance.

Mayor Belt mentioned the possibility of changes between the first and second readings. He commended the extraordinary hard work of the staff and the Planning Commission in evaluating the evolution of the ordinance through various comments.

Following the discussion, the motion was unanimously approved.

C. To Consider Approval of the Barrier Island Ocean Rescue One-Year Contract Extension Request for Beach Patrol Services

Council Member Farrell indicated that the discussion at the Ways and Means Committee meeting included some issues in defining the beach or the jurisdictional coverage area and the Committee's recommendation to move forward with the extension.

Mayor Belt stated that the existing contract allows for the one-year extension. The Mayor’s concerns with the contract form and items requiring greater clarification were discussed with Mr. Ederton and Mr. Sosnowski, who were amenable to addressing those informally. Mayor Pro Tem Berner pointed out the urgency of the contract extension, noting the need for training for the summer season.

Council Member Farrell made a motion to approve the Barrier Island Ocean Rescue One-Year Contract Extension Request for Beach Patrol Services. Mayor Pro Tem Berner seconded the motion.

Council Member Farrell questioned the status of the contract for purchasing the software associated with the drone. He also mentioned the recent video posted by Barrier Island Ocean Rescue after the storm. It was interesting to see what they could provide the Town in terms of safety and security after the storm and what the storm looked like. Mayor Belt noted that they provide a high-quality level of service to the community.

Following the discussion, the motion was unanimously approved.

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

Council Member Farrell introduced the recommendation from the Ways and Means Committee to pave two sections of the town-owned bike path on the Kiawah Island Parkway and Beachwalker Drive. These areas are flooded during rain or high tides, and this proposal mitigates those two issues by tearing up, regrading, raising, and then repaving.

Mr. Gottshalk explained the RFP process and the proposals received from Proper Paving, LLC and Truluck Construction. The proposal being recommended was confirmed as qualified to do the work and would complete the project ahead of the spring season.

Council Member Farrell made a motion to approve the proposal from Proper Paving, LLC. for the Leisure Trail Project on Kiawah Island Parkway and Beachwalker Drive. Council Member Kaye seconded the motion.

Council Member Kaye questioned the length of the project and raised concerns about traffic diversion during the construction process. Mr. Gottshalk stated that the work would take between eight and ten days and assured that traffic would be diverted by creating a barrier on the road or other traffic control option.

Mayor Pro Tem Bener indicated that he had concerns about the low bidder. He reviewed several issues he found with the proposal, in detail, and the potential for change orders. Council Members engaged in an in-depth discussion of issues raised by Mayor Pro Tem Berner, the gap in the proposals, previous experiences with the bidders, and the work done for the Town and Seabrook by the low bidder.

Mayor Belt stated that the recommendation from the Ways and Means Committee was modified to allow for a change order amount up to \$30,000 that he and the staff would have the authority to review and approve; anything more than that would have to come back to Council. This was to accommodate a 50 or 100-foot section of the leisure trail that was not within the scope of this project and that tends to flood closer to the bridge. Also, there is the timing consideration to get all this work done before the busy season.

Council Members deliberated Mayor Pro Tem Berner's suggestion of holding a Special Call meeting in two weeks, which would allow for more due diligence on the proposal and the issues he raised.

Council Member Farrell withdrew his pending motion for approval.

Council Member Kaye made a motion to defer consideration of the agenda item until a subsequent special call meeting. Council Member Spencer seconded the motion, and it was unanimously approved.

E. 2025 Committee and Board Appointments

Mayor Belt stated that there had been a lot of community interest in serving on the Town's Boards and Committees, resulting in far more qualified applicants than there were positions. He noted that for the one-year terms, there is always going to be an opportunity for those who are interested in serving to be able to do so.

a. Arts & Cultural Events Council

Council Member Kaye made a motion to approve the appointment of the current Arts and Cultural Events Council members. Council Member Farrell seconded the motion.

Mayor Belt stated that he is the Council Member who chairs the Arts Council Board; the subordinate body, the Arts and Cultural Events Council, is chaired by David Wall. All of the current members indicated that they were interested in continuing to serve, noting the extraordinary amount of work that goes into this particular committee by its volunteer members.

Following the discussion, the motion was unanimously approved.

b. Audit Committee

Council Member Farrell, Chair of the Audit Committee, commented on the number of individuals who wanted to participate in the committee. He discussed the expanded scope of the Audit Committee from a focus on the integrity of the town's financial statements to include the integrity of the system of internal controls and risk management, compliance with legal and regulatory requirements and ethical standards, and the quality of the auditor's engagement.

After reviewing their backgrounds and qualifications, Council Member Farrell made a motion to approve the appointments of Peter Ashton, Paul Kurth, Bill McDonald, and John Wilson to the Audit Committee. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

c. Environmental Committee

Council Member Kaye stated that all of the committee members indicated they were interested in continuing to serve despite an interesting year that included some unanticipated work. She commended Mr. Jordan on running a highly functioning committee and the members for the diligence they've shown and their willingness to continue serving.

She noted that Jennifer Hays had replaced Tommy Manual and nominated Bob Martin and Fran Williams as new members.

After emphasizing their extensive experience in environmental law and management, Council Member Kaye made a motion to approve the appointment of Bob Martin, Fran Williams, and the current members to the Environmental Committee. Council Member Farrell seconded the motion, and it was unanimously approved.

d. Infrastructure and Public Works Committee

Council Member Spencer expressed his satisfaction with the slate of volunteers interested in serving on the reconstituted Infrastructure and Public Work Committee, noting their diverse backgrounds and willingness to work. He stated that the next challenge was addressing the Mayor's long list of initiatives.

Council Member Spencer made a motion to approve the appointment of Warren Stannard, Philip Mancusi-Ungaro, John Shippee, Dave DeStefano, and Brad McIlvain to the Infrastructure and Public Works Committee. Council Member Farrell seconded the motion, and it was unanimously approved.

e. Planning Commission

Mayor Belt stated that, unlike the standing Committee established by the Council, the Planning Commission is a statutory committee under both state law and Town ordinance. A committee consisting of members of the Council and the Planning Commission, with the assistance of the Planning Director, reviewed the candidates. The committee recommended that Sandy Devine and Maribeth Schmersal be put forward to the Council.

Council Member Farrell made a motion to approve the appointment of Sandy Devine and Maribeth Schmersal to the Planning Commission. Council Member Kaye seconded the motion, and it was unanimously approved.

f. Public Safety Committee

Mayor Pro Tem Berner stated that all of the current members of the Public Safety Committee, who have all served for multiple years and include representatives of Freshfields, KICA, and the Resort, confirmed that they wanted to serve another term.

Council Member Kaye made a motion to approve the appointment of the current members to the Public Safety Committee. Council Member Farrell seconded the motion, and it was unanimously approved.

g. SATAX Committee

Council Member Farrell stated that the current members of the State Accommodations Tax (SATAX) Committee confirmed their willingness to serve another term. In addition to the very strong SATAX Committee membership, which is mandated by the state, he recommended Lauren Beadle as a new member, highlighting his extensive experience in hospitality and business.

Council Member Farrell made a motion to approve the appointment of Lauren Beale and the current members to the SATAX Committee. Mayor Pro Tem Berner seconded the motion.

Mayor Pro Tem Berner raised concerns about potential conflicts of interest with committee members being representatives of the entities requesting funding. It was explained that those representatives are recused from funding request votes.

Mayor Belt explained that the State Accommodations Tax Statute requires that four of the seven members be from the hospitality industry and to be from the lodging industry, so the Town does not have a lot of latitude in the composition. He further explained that there are two different types of committees, the Planning Commission and the Board of Zoning Appeals, which are referred to as statutory committees, which are empowered under state law, or state statutes, and govern some of their activities and their construction. All the other committees, the non-statutory committees, are simply creatures of the Council and are not matters of state, but all have a one-year term.

Council Members further discussed the new process implemented to ensure that those wishing to volunteer on a Committee had the opportunity to participate.

IX. Citizens' Comments:

Carol Medendorp – Parkside

Ms. Medendorp raised questions about the excess revenues being used to fund community projects discussed at the Town Hall meeting, whether there were any restrictions in using the funds, and whether there would be any community involvement in decision-making.

Mayor Belt explained the sources of unrestricted and restricted funds, the unrestricted funds held in general, and capital funds for the replacement of town assets in the event of a catastrophic event, as well as the process for using restricted funds for capital projects. Mr. Szubert further clarified the designation of funds for beach renourishment and other capital projects.

Ms. Medendorp stated that with the recent discovery of significant unrestricted funds, she suggested ideas for community projects, such as an indoor pool and pickleball courts, and emphasized the need for community input.

Mayor Belt and Council Member Farrell agreed to conduct a community survey to gather ideas and feedback for future projects. Council Member Ferrall also reminded Ms. Medendorp that those projects could not be behind the first gate, making it difficult.

Maura McIlvain – 146 Blue Heron Pond Road

Ms. McIlvain commented on the idea of a potential pool. She noted some complications because the Municipal Center building was on a septic field, but there may be a possibility of getting the Town connected to the Seabrook sewer system.

Ms. McIlvain stated that having attended the strategic workshops, she appreciated the work undertaken in arranging the staff and presentations at the meeting and commended all the Council Members and staff who made it possible.

X. Council Member Comments:

None

XI. Adjournment:

Mayor Belt adjourned the meeting at 3:53 pm.

Submitted by,

Petra S. Reynolds, Town Clerk

Date



TAB 2

TOWN COUNCIL

Agenda Item

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO24-000010

Planning Commission Meeting: December 4, 2024
Public Hearing and First Reading: February 4, 2025
Second Reading: March 4, 2025

CASE INFORMATION

Applicant: Town of Kiawah Island

Application: The Town of Kiawah is requesting to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance* to modify Section 12-129 Tree Preservation and Landscaping Standards, Section 12-128. Access, Parking and Loading Regulations, Sec.12-374. Definitions to establish minimum landscape standards for all real property within the limits of the municipality with the exemption of single-family residential property.

Key Factors of the Proposed Ordinance:

The proposed amendment to Sec. 12-129 Tree Preservation and Landscaping Standards and Section 12-128 Access Parking and Loading Regulations establishes a process and requirement for submittal of landscape plans by licensed landscape architects to comply to the minimum standards outlined in the ordinance. Development of sustainable landscapes is a key objective of the standards and will enhance the community's resilience planning. The landscape requirements for access parking and loading areas is moved to this section of the ordinance for clarity and ease of use by the community and design professionals.

RECOMMENDATION BY THE LANDSCAPE AND TREE PRESERVATION BOARD

Pursuant to §12-24.1 (e) of the *Land Use Planning and Zoning Ordinance* "The Landscape and Tree Preservation Board may recommend such legislation as may be needed and practicable to pursue the purpose for which the Board was established and may serve as an advisory board for the Town for matters pertaining to landscape standards and tree preservation.

RECOMMENDATION BY THE PLANNING COMMISSION

Pursuant to §12-158(3) of the *Land Use Planning and Zoning Ordinance* "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of Planning Commission members present, and voting shall be required to approve the amendment."

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Pursuant to §12-158(5) of the *Land Use Planning and Zoning Ordinance* "After receiving the recommendation of the Landscape and Tree Preservation Board, the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications, or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present, and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in the exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendment until the Town Council has rendered its decision on the proposed amendment.

APPROVAL CRITERIA

Pursuant to §12-158(6) of the *Land Use Planning and Zoning Ordinance*, (6) Approval criteria. Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- a. The proposed amendment is consistent with the purposes and intent of the adopted Town of Kiawah Island Comprehensive Plan;
- b. The proposed amendment is consistent with the purposes and intent of this article;
- c. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;
- d. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

Planning staff finds the proposed amendment satisfies the approval criteria pursuant to §12-158(6) and recommends approval.

PLANNING STAFF REVIEW

The Tree Preservation and Landscaping Standards Ordinance (Section 12-129) adopted by Town Council in April 2024 focused on tree preservation and established the Landscape and Tree Preservation Board (Section 12-24.1). This text amendment should be considered Phase II of this ordinance, establishing the minimum landscape standards for the Town of Kiawah Island.

The development of this Phase II has followed a similar process used to develop the Tree Preservation and Landscaping Ordinance. The Landscape Standards Workgroup was established in June and has met monthly to develop the minimum landscape standards outlined in this text amendment. The Landscape Standards Workgroup includes members of the Planning Commission, Landscape and Tree Preservation Board, Kiawah Island Architectural Review Board, Kiawah Island Community Association, Kiawah Island Golf Resort, , Kiawah Conservancy and professional landscape architect currently working on the island.

The proposed text amendment is consistent with the ordinance in the purpose and applicability of the minimum landscape standards for all real property with the exemption of single family residential. The required landscape plans will be submitted as part of the site package for development through the current Site Plan Review Process. No zoning permit will be issued until the landscape plan has been approved in accordance with the ordinance.

Upon completion of a project, the Landscape Architect of Record will issue a letter of certification that the landscape was installed per the approved landscape plan. This will be a requirement prior to issuance of a Certificate of Occupancy. If necessary, the Building Official may issue a Temporary Certificate of Occupancy until any pending issues are addressed; such as planting season or plant availability.

An important component of the landscape standards is to promote Kiawah's Grow Native efforts and develop sustainable landscapes. The proposed plant standards establish minimum size and species and will require that 70% of shrubs and trees and 50% groundcovers be native species on Kiawah Island. The Grow Native plant database is designed to serve as a resource for residents, and design professionals and is continuing to be updated and provide detailed information on over 190 native plants. The minimum lot landscape requirements establish a minimum tree criteria that matches the tree preservation mitigation standard. Existing plant material that is healthy and meets the requirements of the ordinance may be used to satisfy any of the minimum landscape requirements.

The parking loading and vehicular area minimum landscape requirements has been moved to this ordinance from Section 12- 128 Access, Parking and Loading regulations and further description of the landscape

requirements of the Compatibility buffer (Section 12-127) is included to provide for clarity and ease of use by the community and landscape professionals.

The review process for this recommendation began with the November 19th 2024 Landscape and Tree Preservation Board meeting. After the staff presentation, Chairman Darus opened the floor for questions and comments to the public. Jennifer Hayes, a Board member with the ARB and a member of the Landscape Standards Workgroup offered the following:

- Concerns that using similar standards defined by the *Designing with Nature* guidelines as the basis for an ordinance would not be as flexible and responsive to site conditions.
- Concern that there might be conflicts between the ARB guideline requirements and the Town's proposed minimum landscape requirements.
- The Town might consider this an opportunity to establish some oversight for the homes on Eugenia Avenue that do not currently have any ARB oversight.

Staff believes that both of the concerns expressed will be able to be addressed through the process established and if necessary through the Landscape and Tree Preservation Board and variance process established in Section 12-24.1 Landscape and Tree Preservation Board.

In addition, the Planning Commission may wish to consider modifying the applicability of both sections of the ordinance to allow them to apply to single family residences which are not subject to ARB review. Should the Planning Commission consider recommending to include the applicability of the ordinance to single family residential properties not subject to ARB review, staff recommends the following language be incorporated.

“The provisions of this Article apply to all real property within the municipal limits of the Town of Kiawah 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.”

LANDSCAPE AND TREE PRESERVATION BOARD MEETING NOVEMBER 19, 2024

The Landscape and Tree Preservation Board unanimously recommended approval .

PLANNING COMMISSION MEETING DECEMBER 4, 2024

The Planning Commission voted to amend the proposed text amendment to apply to single family residential properties not subject to ARB review.

“The provisions of this Article apply to all real property within the municipal limits of the Town of Kiawah 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.”

The Planning Commission then unanimously recommended approval .

TOWN COUNCIL MEETING FIRST READING AND PUBLIC HEARING- FEBRUARY 4, 2025

The Town Council recommended amending the Applicability & Exemptions paragraph to clarify the single

family exemption except single family which are not subject to review of an established architectural review board. The sentence as composed is confusing.

The Town Council unanimously approved first reading .

TOWN COUNCIL MEETING SECOND READING – MARCH 4,2025

TOWN OF KIAWAH ISLAND

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.**

WHEREAS, the Town of Kiawah Island Municipal Code currently contains *Chapter 12 - Land Use Planning and Zoning*; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance* to establish minimum landscape standards; and

WHEREAS, the Town of Kiawah Island desires to provide tree preservation and landscaping standards in order to consistently preserve and enhance Kiawah’s natural environment and to assure the continuance of significant trees and forests for present and future generations; and

WHEREAS, the text amendment would be consistent with the purposes and intent of the adopted Comprehensive Plan and would not be detrimental to the public health, safety, and welfare of the Town of Kiawah Island; and

WHEREAS, the Planning Commission held a meeting on December 4, 2024, at which time a presentation was made by staff, and an opportunity was given for the public to comment on the text amendment request; and

WHEREAS, the Planning Commission, after consideration of the staff report, subsequently voted to recommend to the Town Council that the proposed amendment be approved; and

WHEREAS, the Town Council held a Public Hearing on January 4, 2025, providing the public an opportunity to comment on the proposed amendment.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Purpose

The purpose of this Ordinance is to amend Chapter 12 - Land Use Planning and Zoning Ordinance to establish minimum landscape standards for the Town of Kiawah Island.

Section 2 Ordinance

- (1) The Town hereby amends Section 12-129. Tree Preservation and Landscaping Standards as shown in the attached **“Exhibit A.”**

- (2) The Town hereby amends Section 12-128. Access, parking, and loading regulations as shown in the attached **“Exhibit B.”**
- (3) The Town hereby amends Section 12-374. Definitions as shown in the attached **“Exhibit C.”**

Section 3 Severability

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 4 Effective Date and Duration

This Ordinance shall be effective from its enactment by the Town Council for the Town of Kiawah Island; however, applications need not be made or reviewed until 1) the Town Council has appointed a quorum of members of the Landscape and Tree Preservation Board and 2) the Landscape and Tree Preservation Board has adopted rules of organizational procedure.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 4TH DAY OF MARCH 2025.

Bradley D. Belt, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: February 4, 2025

2nd Reading: March 4, 2025

Sec. 12-129. Tree Preservation and Landscaping Standards.

Purpose and Intent. The purpose of these regulations is to provide tree preservation and landscaping standards for all properties within the Town of Kiawah Island's municipal boundaries in order to consistently preserve and enhance Kiawah's natural environment and to protect significant trees and forests for present and future generations. The proper care of trees, shrubs and other landscape plants is important to the implementation of this chapter. It is the expectation that property owners, tree care professionals and design professionals utilize industry best practices in providing the proper care of trees for the overall health of the environment. The intent of these regulations is to:

- a. Preserve the natural character of neighborhoods;
- b. Ensure the health and wellbeing of Kiawah's native trees and maritime forests;
- c. Protect the health and safety of residents;
- d. Protect water quality and minimize stormwater runoff;
- e. Help prevent erosion or flooding;
- f. Promote integrated development with nature to minimize tree loss and environmental degradation;
- g. Establish a minimum standard for tree preservation and mitigation of environmental impacts resulting from tree removal;
- h. Screen noise, dust and glare;
- i. Maintain and or improve aesthetic and property values;
- j. Promote the planting of native trees and shrubs; and
- k. Encourage best practices for proper landscape and tree care.

Tree Preservation

(1) *Applicability & Exemptions.* The provisions of this article apply to all real property within the municipal limits of the Town of Kiawah Island, excluding single-family residential developments, except ~~as otherwise expressly exempted.~~ single family residential developments which are not subject to review or purview of any established architectural review board.

- a. The following are exempt from the provisions of this article:
 1. Pruning of trees or shrubs for regular maintenance including dune maintenance.
 2. The trimming or removal of trees or vegetation for safe sight distance and visibility within or adjacent to a right of way or leisure trail for pedestrian, bicycle and or vehicular travel.
 3. Routine maintenance as pruning and trimming of trees on golf course. The removal of Specimen Trees on golf courses shall not be exempt from the provisions of this article.
 4. The removal of trees for emergency work.
 5. The removal of invasive tree species as defined within this article.
 6. Tree work completed by utility companies, electric suppliers, or governmental agencies. This article shall not restrict utility and electric suppliers from maintaining safe clearance around existing utility equipment, and existing easements in accordance with applicable state laws. The siting and construction of future gas, telephone, communications, electrical lines, or other utilities

shall be exempt from the provisions of this article provided that the applicable company, supplier, or agency has consulted with the Town and received zoning approval from the Planning Director prior to the commencement of construction or major maintenance projects to develop a strategy to:

- i. Minimize trimming of Protected Trees that do not substantially interfere with the intended purpose of construction or maintenance;
 - ii. Prioritize the protection of Protected Trees as a factor to be considered in the design process;
 - iii. Specify that trees to be removed from the rights-of-way by electric utilities and other utilities may be required to be replaced by such entity.
7. Nothing in this article shall be construed to prevent the ordinary trimming and maintenance of trees provided that a permit is obtained if required and such trimming is so excessive so as to constitute an abuse as described in this section.
- b. The removal of any Specimen Tree on a single-family residential development shall not be exempt from the provisions of this article.

(2) *Required Permit.*

- a. No person shall cut down, top, remove, relocate, damage, destroy, or in any manner abuse any Protected Tree or Specimen Tree on any lot or right-of-way unless authorized by the terms of this article.
- b. The removal of any Protected Tree or Specimen Tree on any site prior to the issuance of a zoning permit by the Town of Kiawah Island is prohibited. A zoning permit shall be required for the removal, relocation or destruction of Protected Trees or Specimen Trees in accordance with the procedures set out in this article. Permits for tree removal may be approved when the Planning Director has determined that one or more of the following conditions exist:
 1. The tree removal is part of a development plan or site plan for which a Tree Preservation Plan prepared by a licensed surveyor, civil engineer, forester, arborist, or landscape architect has been reviewed and approved pursuant to this article; or
 2. The tree(s) to be removed has been approved by the Landscape and Tree Preservation Board; or
 3. The density of trees is great enough that removal of a tree would be beneficial to the overall area and or health of a Protected Tree and or an environment as determined by a certified arborist.
- c. Trees that are determined to be causing structural damage to a structure greater than 200 square feet or sidewalks and driveways, where said damage cannot be remedied without removing the tree may be removed as determined by a certified arborist. When there is a question of whether tree removal is necessary, the Planning Director may require documentation from a certified arborist with Tree Risk Assessment Qualifications that said damage cannot be successfully halted through root pruning and the installation of a root barrier while maintaining the structural integrity of the tree.
- d. An approved zoning permit for tree removal may be issued with conditions as determined by the Planning Director or Landscape and Tree Preservation Board.
- e. A permit shall not be required for tree(s) to be removed that have been determined to be dead, diseased, irreparably damaged, hazardous, or clearly causing damage to the property or injury to a person in the opinion of a certified arborist or Tree Risk Assessment Qualified (TRAQ) Arborist. Notification shall be made to the Town's Planning Department of such condition(s) prior to tree removal.

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1. Notification to the Planning Department should include photos of the subject tree(s) and any supporting documentation to describe the conditions.
- (3) *Tree Surveys, Tree Preservation Plans, and Landscape Plans.*
- a. A tree survey showing all existing trees throughout the portion of any site or right-of-way proposed for disturbance and including any area counted as required open space area shall be submitted as part of any site plan for zoning permits for new construction, substantial improvements, or renovations; or any preliminary and final subdivision plats in accordance with the requirements below. Tree Survey submittal requirements can be found in *Table 4I. Tree Survey, Preservation and Landscape Plan Submittal Requirements* of this article.
 1. Tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, civil engineer, forester, arborist, or landscape architect.
 2. The tree survey must be certified and dated within two years of its submittal.
 3. A topographical and tree survey must be to an architectural or engineer's scale and is required to show the legal description of the property, including the following:
 - i. Recorded property lines, easements, and setbacks.
 - ii. The topographical contours of the lot, along with spot elevations for existing curbs, the street, and neighboring lot curbing.
 - iii. The location, genus, and species of all oak trees over three inches caliper DBH and other trees more than six inches caliper DBH.
 - iv. Any prominent natural features of the site.
 - v. Adjacent residences with roof heights from mean sea level (MSL), garages, and driveways.
 - vi. Current Ocean and Coastal Resource Management's Certified Critical Line which must be certified with five years of submittal.
 - vii. Utility locations.
 - b. A Tree Preservation Plan is a plan that shows all trees in the area to be developed or within the property, the trees to be protected or preserved, the measures taken to preserve them and those scheduled to be removed, including dead and damaged trees. Tree Preservation Plans may be required to be submitted to meet the requirements of this article as specified in *Table 4I. Tree Survey, Preservation and Landscape Plan Submittal Requirements*.
 1. The Tree Preservation Plan will include calculations to determine the number of replacement trees as required by the tree removal, mitigation, and replacement section of this article and a proposed reforestation landscape plan.
 2. The Tree Preservation Plan shall be developed by a forester, arborist, landscape architect or other horticultural registered professional.
 3. The Tree Preservation Plan shall reflect the applicant's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage, and other physical features, so that the fewest Specimen and Protected Trees are destroyed or damaged and to minimize the negative environmental impact to the site.
 4. The Tree Preservation Plan should consider how the subject property along with adjacent properties, tree densities and landscape can contribute to develop and or maintain wildlife habitat.

5. The Tree Preservation Plan shall consider the grade quality of trees greater than eight inches DBH where all Grade A and Grade B trees should be prioritized for preservation.
6. Required Tree Protection Fencing: Tree protection fencing shall be shown on the plan, placed around all trees designated to be saved, prior to the start of development activities or grading. Such barriers shall be erected at a recommended minimum distance from the base of Protected Trees according to the following standards:
 - i. Tree protection fencing shall be placed at a minimum distance equal to ten feet from the base of a Specimen Tree. All vegetation on the site that is not impacted by construction shall be protected using tree protection fencing.
 - ii. Tree protection fencing shall consist of barriers approved by the Planning Department (a minimum of four feet in height). The Planning Department shall not require that chainlink fences be used.
 - iii. Protective barricades shall remain in place until development activities are complete. The area within the tree protection fencing shall remain free of all building materials, stockpiled soil, or other construction debris. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees. Any violations must be addressed immediately, or a stop work will be issued.
 - iv. Construction access to a site should occur where an existing or proposed entrance/exit is located, except for driveway access points, sidewalks, and curb and gutter, land disturbance within a tree dripline is prohibited.
- c. Landscape Plans may be required to be submitted to meet the requirements of this article as specified in *Table 4I. Tree Survey, Preservation and Landscape Plan Submittal Requirements*. Detail of what must be included can be found in Landscape Standards (2).
 1. ~~A required landscape plan shall be drawn to engineer's scale which contains dimensions and details for revegetating an area.~~
 2. ~~The landscape plan shall contain trees and shrubs species depicted at maturity, fencing, and other site elements along with details of landscape materials including hard and soft scape elements.~~
 3. ~~Landscape plans shall be prepared by a licensed, registered Landscape Architect whenever the area of land disturbance or development activity exceeds one half acre or when the total area of disturbance proposed building footprint exceeds 2,500 square feet.~~
- d. *Table 4I. Tree Survey, Preservation and Landscape Plan Submittal Requirements* in subsection (3) of this section shows the minimum requirements for submittal of various plans.

Table 4I. Tree Survey, Preservation and Landscape Plan Submittal Requirements			
Improvement Type	New Construction and Lot Preparation	Major Improvement ¹	Minor Improvement
Tree Survey	Required	Required	Not Required ³
Tree Preservation Plan	Required	Required ²	Not Required ²
Landscape Plan	Required	Required	Not Required ³
Submittal Requirement Notes: (1) A major improvement shall include any repair, renovation, reconstruction, alteration, or improvement where the footprint of the structure is being modified or where the proposed improvement creates any earth disturbing activity greater than 25 percent of the lot. (2) A Tree Preservation Plan shall be required if a proposed development requires the removal of a Specimen or			

Protected Tree(s).

(3) At the discretion of the Planning Director a landscape plan or tree survey may be required for any improvement which has been determined to create a potential adverse impact.

(4) *Specimen and Protected Trees.*

- a. Specimen Trees and Protected Trees are species chosen as a point of focus in a landscape which usually has an unusual shape, texture, color or other feature that distinguishes it from other trees and shrubs in the area excluding invasive species. These trees have a life expectancy of greater than ten years, have a relatively sound and solid trunk with no extensive decay or hollow, and have no major insects, pathological problem, or defects. Specimen Trees are valued for their size and their legacy.
- b. Under the provisions of this article, the following trees are considered Specimen Trees and shall be prohibited from being removed unless approval is granted by the Planning Director or designee in accordance with the requirements of this article:
 1. Grand Trees: Any tree with a diameter breast height of 24 inches or greater in size; and
 2. Live Oak Trees with a diameter breast height of 16 inches or greater.
- c. Under the provisions of this article, the following trees are considered Protected Trees and shall be prohibited from being removed unless approved by the Planning Director or designee in accordance with the requirements of this article:
 1. Any tree with a diameter breast height of eight inches or greater.

~~(5) *Native Species.*~~

- ~~a. Using native plants in landscaping has a direct impact on the local ecosystem which include benefits as the protection of water resources, allowing gardeners to reduce fertilizers, pesticides, and irrigation practices which otherwise can contribute to stormwater runoff pollution and degradation of downstream water quality; sustaining pollinators which are vital for fruit production and provide high-quality food and shelter; providing essential watershed protection, helping natural aquifers recharge, serving to filter water naturally flowing into rivers and estuaries, lessening erosion and flooding; and resistance to saltwater intrusion from flooding and storm surge.~~
- ~~b. Native plant mitigation requirements for this article are specified in Table 4J. Tree Preservation Requirements and Mitigation Standards.~~
- ~~c. Native plants can be found in the Town of Kiawah Island's online Grow Native Plant Database. The Grow Native Plant Database is a searchable online database of native trees, shrubs, perennials, vines, ferns, and grasses that provides detailed information on growing conditions, size, flowering information, salt tolerance, deer resistance, and the wildlife value for each plant. The database was designed to help promote the use of native plants on the island and serve as a resource for residents, landscapers, landscape architects, landscape designers, and other entities.~~

~~(6) *Invasive Species.*~~

- ~~a. Invasive species means species that are not native to South Carolina and cause economic or environmental harm or harm to human health. Invasive species may be found in the Nonnative Invasive Plants of Southern Forests registry published by the US Department of Agriculture or list provided by Clemson University Cooperative Extension.~~
- ~~b. Submitted landscape plans shall not indicate the use of any invasive plant species. These species shall be removed during site development if existing on the property.~~

~~(7)~~ *Tree Removal and Tree Impacts.*

- a. For the purpose of this article, the term "Tree Removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; excessive paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree; excessive grading; or any act of malicious damage to a tree. The final determination of tree removal shall be made by the Planning Director.
 - 1. Tree Pruning:
 - i. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature tree that is pruned within a growing season shall be considered excessive. Additionally, one-half of the foliage of a mature tree should remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning.
 - ii. Pruning or thinning such as the removal of branches six inches or greater in diameter shall also be considered excessive.
 - iii. Crape Myrtle Trees shall be excluded from the requirements of tree pruning.
 - 2. Tree Root Zone Protection:
 - i. Paving or grading within five feet of the base of the tree or paving or grading 50 percent or greater of the circumference of the tree shall also be considered excessive as determined by the Planning Director.

~~(8)~~ *Tree Mitigation and Replacement.*

- a. Tree mitigation shall adhere to the following standards in which the applicant shall mitigate loss or removal of Protected Trees and Specimen Trees by planting replacement trees in appropriate areas on the property in accordance with the tree replacement requirements as listed in *Table 4J. Tree Preservation Requirements and Mitigation Standards* and the approved tree preservation plan.

Table 4J. Tree Preservation Requirements and Mitigation Standards			
Tree Size	Location/Context	Preservation Requirements	Mitigation Standard
Individual Tree Removal (Post Occupancy)			
Specimen Trees <i>(Grand Trees 24 inches or greater & Live Oaks 16 inches DBH or greater)</i>	All areas	Removal prohibited except as approved by the Landscape and Tree Preservation Board and in accordance with required tree preservation plan and the mitigation standards.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. Replanted trees shall be 70% native species. This mitigation standard shall only be required for applicable Grade A Grade B graded trees. The Landscape and Tree Preservation Board has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
Protected Trees <i>(8 inches or greater)</i>	Outside of the Building Footprint of the Structure	Removal prohibited except as approved by the Planning Director or designee and in accordance with the required tree preservation plan and mitigation standards.	Must replant trees equal to 70% of the total quantity of tree(s) removed. Replanted trees shall be 70% native species. The Planning Director has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
All trees	Edge of marsh, ponds or dunes and or at the Critical line on the landward side	Removal prohibited except as approved by the Planning Director or designee and in accordance with the required tree preservation plan and mitigation standards.	Must replant trees with a minimum combined DBH equal to 70% of the tree(s) removed. Replanted trees shall be 70% native species. The Planning Director has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
Tree Removal for Construction Activity/Site Development			
Specimen Trees	Within Building Footprint of Structure	Removal prohibited except as approved by the Landscape and Tree Preservation Board and in accordance with required tree preservation plan and the mitigation standards.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. Replanted trees shall be 70% native species. This mitigation standard shall only be required for applicable Grade A Grade B graded trees. The Landscape and

			Tree Preservation Board has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
Protected Trees (8 inches or greater)	Outside of Buildable Area	Full preservation of all Protected Trees is required in all yards (front, side and rear) except for any required or permitted driveways, roads, easements, stormwater retention/detention areas or drainage structures.	Must replant trees equal to 70% of the total quantity of tree(s) removed. Replanted trees shall be 70% native species. The Planning Director has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
All Trees (8 inches or greater)	Within the Buildable Area and Outside of the Building Footprint of Structure	Removal prohibited except as approved by the Planning Director or designee and in accordance with required tree preservation plan and the mitigation standards.	Must replant trees equal to 70% of the total quantity of tree(s) removed. Replanted trees shall be 70% native species. The Planning Director has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
All trees	Edge of marsh, ponds, or dunes and or at the critical line on the landward side	Removal prohibited except as approved by the Planning Director or designee and in accordance with the mitigation standards.	Must replant trees with a minimum combined DBH equal to 70% of the tree(s) removed. Replanted trees shall be 70% native species. The Planning Director has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
<p>Preservation and Mitigation Standard Criteria: The following shall be considered in evaluation of any modified required mitigation standards.</p> <p>(1) The preferred density should be equal to a combined DBH greater than or equal to 20 trees per acre or 160 inches per acre, whichever is greater. Preservation and mitigation trees should equal 70 percent of the total number trees on the lot.</p> <p>(2) Mitigation for Specimen Trees shall only be required for grade quality Grade A and Grade B trees as determined by a certified arborist.</p> <p>(3) Edge of marsh, ponds shall be defined as the area within three feet of a marsh, pond line.</p> <p>(4) The trees required to be replaced pursuant to this article shall be in addition to any other trees required to be planted pursuant to any other provision of</p>			

the Town's Code of Ordinance.

(5) Palm Trees, Palmetto Trees, Pine Trees, and Sweet Gums within the buildable area shall not require mitigation.

(6) Mitigation may not be required for removal of trees within storm water retention/detention areas at the discretion of the Planning Director.

(7) Mitigation trees shall measure a minimum of three inches in caliper DBH.

(8) The grade quality, size and quantity of trees may be considered in the preservation or mitigation requirements.

(9) Removal without mitigation may be permitted if necessitated by emergencies, death, disease, or damage not caused by the property owner as determined by the Planning Director. Removal without mitigation is also permitted for the removal of invasive species.

(10) To prevent a monoculture among plantings, the applicant's plan shall include a diversity in the trees planted for mitigation. No single plant species shall represent more than 40 percent of the total landscape plantings per plant type, except for projects whose landscape requirements for Canopy Trees are less than ten trees.

(11) Depending on the number of trees planted, there shall be a diversity of the plantings. The following diversity of trees is recommended:

5 to 10 trees: Minimum 2 types of trees to be planted;

10 to 20 trees: Minimum 4 types of trees to be planted;

20 to 100 trees: Minimum 7 types of trees to be planted;

Greater than 100 trees: Minimum 10 types of trees to be planted

(12) The replacement tree and plants utilized for mitigation shall be native species. Submitted landscape plans used to satisfy the requirements of this article, shall be 70 percent native species. The replacement tree preferred shall be native species such as Oak, Magnolia, Palmetto, or Hickory.

(13) Palmetto Trees may be used to fulfill the canopy tree requirements. These trees are to be planted at a ratio of three Palmetto Trees for each canopy tree and are to be planted in groupings of three.

(14) Where mitigation trees will not fit on a lot, the alternative locations adjacent to the subject property or planning area may be considered. Coordination of an alternative location may include but is not limited to right of way enhancement, open space, adjacent property or other public or common areas within or adjacent the Town limits as determined by the Planning Director. The Planning Director may coordinate with the Public Works Director, Kiawah Island entities, or other broader community stakeholders. Coordination should also consider how mitigation trees may be maintained.

(15) Where mitigation trees are planted on the subject property, they shall be guaranteed for one full year after planting. Any trees that die within this time period must be replaced by the applicant and/or property owner. Mitigation trees which may be planted in an alternative location are not required to be guaranteed.

(9) *Maintenance of Trees.*

- a. Following development, the property owner shall be responsible for maintaining the trees that were saved and/or planted. Proper tree care should use ANSI A300 (Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices) for best practices.

(10) *Administration.*

- a. Plan Alterations or Revisions: Due to seasonal planting problems and/ or a lack of plant availability, approved plans may require minor revisions. Minor revisions to planting plans may be approved by Town Staff if:
 - 1. There is no reduction in the quantity of plant material;
 - 2. There is no significant change in size or location of plant materials; and
 - 3. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

(11) *Landscape and Tree Preservation Board.*

- a. The Landscape and Tree Preservation Board shall review with the authority to approve, approve with conditions, or disapprove a proposed Tree Preservation Plan for proposed commercial or multifamily residential developments in accordance with the provisions of the article.
- b. The Landscape and Tree Preservation Board shall review and approve the removal of any Specimen Tree or Grand Tree in accordance with the provisions of the article.
- c. The Landscape and Tree Preservation Board shall also be in place to hear special circumstances regarding tree removal or where strict interpretation of the ordinance has been made by the Planning Director. An applicant may apply to be granted relief or exception to this article as reviewed and approved by the Landscape and Tree Preservation Board. The applicant should make their appeal case to the Landscape and Tree Preservation Board pursuant to section 12-24.1, Landscape and Tree Preservation Board, in which the Landscape and Tree Preservation Board shall review and make a decision based on the applicant's submission and approval criteria.

(12) *Inspections, Violations and Fines.*

- a. The Planning Director or Landscape and Tree Preservation Board may approve a delayed schedule for planting materials (provided by the applicant's contractor) when the immediate planting schedule would impair the health of plants. When a delayed planting schedule is approved, the applicant shall provide a bond equivalent to one and one-half times the projected cost of the planting materials and installation in accordance with the American Association of Nurserymen Standards. This is designed to include severe weather, such as droughts, heat waves, and floods. The applicant shall provide a minimum of two quotes from local (tri-county area) contractors for review and the bond amount shall be determined by the Planning Director.
- b. The Town reserves the right to inspect the site or property at any reasonable time for compliance with tree preservation requirements. Town Staff may inspect the site one year after the issuance of a permanent Certificate of Occupancy in order to ensure compliance with the approved tree plan.
- c. If the Town finds a development in violation of this article or if an applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the zoning permit or Tree Preservation Plan or that was made pursuant to the provisions of this article, the applicant or property owner shall be in violation of this article.

- d. Any applicant or property owner in violation of this ordinance shall be subject to fines or penalties as prescribed in this article and or other remedies and enforcement actions pursuant to section 12-214.
 - 1. The illegal removal of a tree(s), in accordance with the provisions of the article shall constitute a violation and the property owner shall be subject to a penalty fine of \$1,080.00 per tree.
 - 2. The illegal removal of a tree(s), in accordance with the provisions of the article shall constitute a violation and the property owner shall be required to mitigate the illegal removal of a tree(s).

(Ord. No. 2024-01, § 2(Exh. A), 4-2-2024)

Landscape Standards

The preservation and enhancement of natural systems is a principal priority on Kiawah Island. Development of Sustainable Landscapes is a key objective of these landscape standards and a key component of the community's resilience planning. Sustainable Landscapes sequester carbon; clean the air and water; increase energy efficiency; restore habitats; and create value through significant economic, social and environmental benefits.

(1) *Applicability.* The provisions of this Article apply to all real property within the municipal limits of the Town of Kiawah 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.

a. Landscape Plan shall be required for:

- 1. All new construction.
- 2. Exterior remodeling involving a change in the building footprint.
- 3. Parking areas or other impervious surfaces.
- 4. Change of use that results in a more intense use.
- 5. Additions to any structure used for any purpose (except single-family residences).
- 6. At the request of the Planning Director.

b. No zoning permit shall be issued for a development subject to review until the landscape plan has been approved in accordance with the provisions contained within this article.

(2) *Landscape Plans*

- a. Plans submitted to meet the requirements of this article shall be a minimum of 1-inch equals 20 feet and/or the same engineering scale as the site plan and include; a graphic scale and north arrow. All landscape documents submitted shall be prepared, sealed and dated by a Landscape Architect licensed to practice in the State of South Carolina

b. Landscape drawings shall show and describe all site conditions including buildings,

pervious and impervious areas, parking, service areas, site furnishings, site and street lighting, natural areas and open space in relationship to site development. Landscape drawings shall consist of sufficient detail and of professional quality to enable comprehensive review.

c. All landscape plan submissions shall include, but not be limited to documentation of the following;

1. Limits of project site, property lines, setbacks, easements, and context including adjacent sites, vegetation, and buffers.
2. Location of above and below grade site utilities, and service connections including fire department connections, easements, and access requirements. (shown as an underlay).
3. All land disturbing activities and limits of disturbance, including utility work.
4. Phasing, future development, temporary uses and timing of construction if applicable.
5. Tree Preservation fencing.
6. Proposed topography, drainage ways, yard inlets, area drains, overflow areas.
7. Proposed plant material shall be depicted at maturity.
8. Specification and location for hardscape elements such as planters, street and site lighting, site furnishings, paving, walls, fences, signs, etc.
9. Plant list that includes the complete botanical and common name, native species designation, quantities of each, container size, caliper size, height and spread at planting.
10. Landscape plan must include in tabular format how the proposed planting meets the requirements of this ordinance.

(3) Issuance of Certificate of Occupancy

The landscape architect of record shall provide a certification letter to the town certifying that the landscaping was installed in accordance with the plans and specifications submitted. With respect to landscape material for a newly developed or redeveloped site undergoing construction, a final certificate of occupancy (CO) shall be issued by the Building Official once all landscape material has been installed in accordance with the approved landscape plans and certified by the Landscape

Architect of Record. A temporary certificate of occupancy (TCO) may be issued by the Building Official until all pending issues are addressed; such as plant material availability, planting season time of year etc.

(4) Plant Materials

a. Natives

Using native plants has a direct impact on the local ecosystem which include many benefits such as the protection of water resources and reducing the need for fertilizers, pesticides and irrigation which can contribute to stormwater runoff pollution and degradation of downstream water quality. Native plants also provide essential watershed protection, helping natural aquifers recharge, serving to filter water naturally before flowing into rivers and estuaries, lessening erosion and flooding and resistance to saltwater intrusion from flooding and storm surge. In addition, native plants sustain pollinators vital for fruit production and provide high-quality food and shelter for wildlife.

Town of Kiawah Island Grow Native Plant Database is a searchable online database of native trees, shrubs, perennials, vines, ferns, and grasses that provides detailed information on growing conditions, size, flowering, salt tolerance, deer resistance and the wildlife value for each plant.

https://www.kiawahisland.org/wildlife/top_initiatives/grow_native/native_plant_database.php

Unless otherwise noted in this Ordinance all proposed planting must be 70% native species for trees and shrubs and 50% for ground covers.

b. Existing Plant Materials

Utilization of vegetation and plant materials that exist on a parcel prior to its development may be used to satisfy the landscaping standards provided they meet the requirements of this ordinance, at the determination of the Planning Director. No site clearing may commence without a Town of Kiawah Island zoning permit.

c. Invasive Plant Materials

Landscape plans may not indicate the use of plant species listed on the “Nonnative Invasive Plants of Southern Forests” registry published by the USDA and the “Invasive Plant Pest Species of South Carolina.” These species must be removed during site development if existing on the property.

d. Size

Unless otherwise stated, all plant materials used to satisfy the requirements of this Ordinance shall meet the following minimum size standards:

Canopy Tree 3" caliper /12' height

Understory/Ornamental 8' height

Evergreen/Conifer Tree 8' height

Shrubs 3 gallon /18-24" height

e. Species

Species of plant material used to satisfy the requirements of this Ordinance shall be native to the Island or cultivated to survive in this climate. No single plant species shall represent more than 40 percent of the total landscape plantings, except for projects whose landscape requirements for canopy trees are less than 10 trees.

All plants installed to satisfy the requirements of this Ordinance shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery grown and either balled and burlapped, container grown or transplanted.

(5) Installation, Maintenance and Replacement

a. Installation

All landscaping shall be installed according to American Association of Nurserymen standards and sound nursery practices in a manner designed to encourage vigorous growth. Sites for plant materials shall be prepared or improved in accordance with American Association of Nurserymen standards for soil preparation and drainage. Landscape plans shall include specifications and details required for the specific requirements of the site.

b. Irrigation

An automatic irrigation system is required to sustain the initial landscape planting.

c. Maintenance and Replacement

Required trees, shrubs, and other landscape features shall be considered elements of the project in the same manner as parking, building materials, etc. The property owner shall be responsible for the following:

All landscape shall be maintained free from disease, pests, weeds, and litter. This maintenance could include weeding, watering, fertilizing, pruning, mowing, mulching or other maintenance as needed and in accordance with acceptable horticultural practices, including American National Standards Institute standards for Tree Care operations and American Association of Nurserymen standards.

The regular maintenance, repair or replacement of any landscaping required by the ordinance and as shown on the approved site plan.

When replacement of trees, plant material or other landscape features is required, such replacement shall be accomplished within the shorter of one growing season, one year or such time frames as required by the Planning Director.

(6) Planting Standards

a. Minimum Lot Landscape Requirements

1. Trees: The minimum tree requirements for a developed lot shall be equal to a combined DBH greater than or equal to twenty trees per acre or 160 inches per acre, whichever is greater.

Each lot after development must contain a minimum of 70% of the healthy trees that existed on the lot predevelopment. This requirement may be fulfilled with a combination of existing trees and mitigation trees per the tree preservation plan.

2. Shrubs: 50% of all shrubs installed must be a minimum size of seven gallon. The remaining installed shrubs must be a minimum of three gallon.

3. Grass, groundcover, and mulch: Large expanses of non-native grass are prohibited unless associated with recreational purposes. Areas of sod must be a minimum of 10 feet from lagoon edges. Areas to be grassed must be sodded as opposed to seeded or sprigged. Synthetic turf is discouraged.

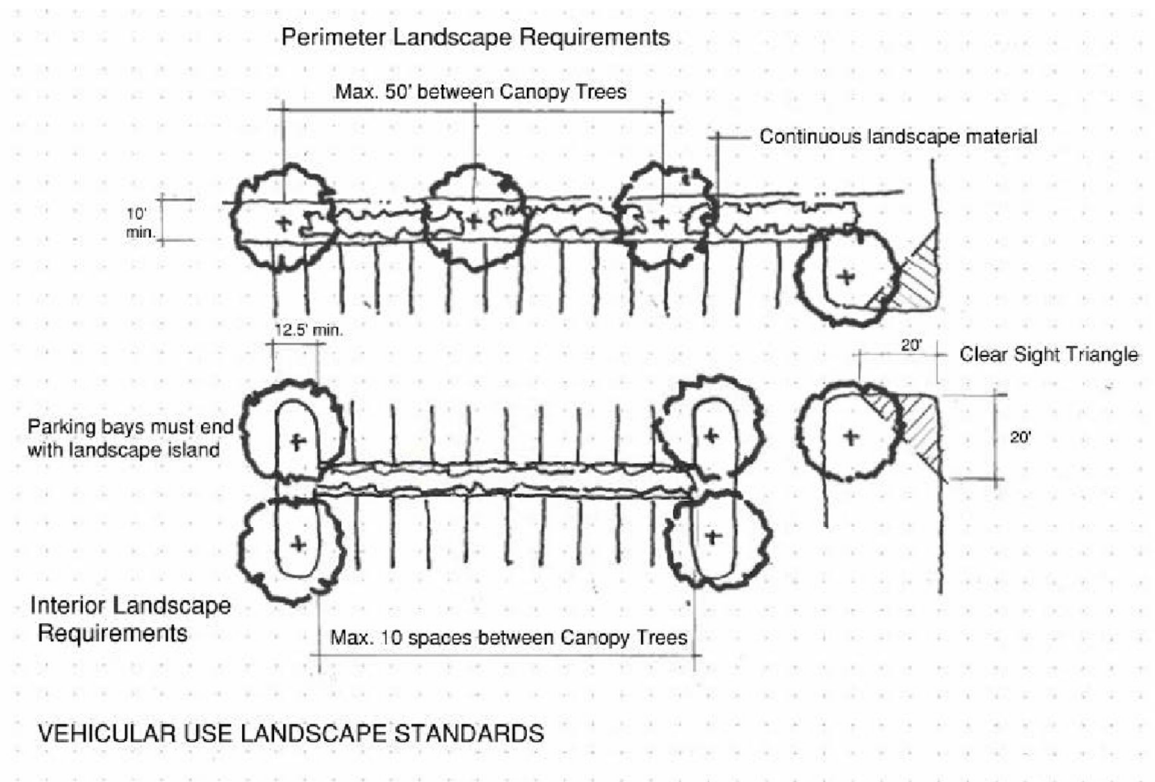
4. Pine straw or mulch areas are minimized and limited to an area no greater than 10% of the planting areas.

b. Vehicular use landscape standards

1. Parking, loading and vehicular area perimeters

Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off street, surface parking, loading and vehicular use areas. Parking areas for the exclusive use of single-family dwellings shall be exempt from these requirements. Any off-street parking, loading or vehicular use area that will be entirely screened from view by an intervening building or structure or by a buffer provided to satisfy requirements contained elsewhere in this article shall also be exempt from these (parking, loading and vehicular use area) perimeter landscaping requirements.

All new parking lots shall be designed with the required landscape areas to accommodate green infrastructure and low impact development practices.



2. Perimeter landscape requirements.

(i) A perimeter landscape area at least 10' in depth shall be provided at the perimeter of all off-street parking, loading and vehicular use areas, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the perimeter landscape area shall be located adjacent to the easement. Adjacent buffers shall count toward the min. 10' perimeter landscape area.

(ii) Required perimeter landscape areas shall be planted in accordance with the following minimum standards:

a) One canopy tree shall be provided for each 50 linear feet of parking, loading or vehicular use area perimeter.

b) Landscape material of at least-five feet in height (at maturity) shall be planted within the perimeter landscape area to provide a continuous landscape element, or a combination of trees, hedges, other durable landscape material or approved wall or fence may be used to form the continuous landscape element.

c) All portions of the perimeter landscape area not planted with shrubs or trees or covered by a wall or fence barrier shall be planted in ground cover;

d). Landscape material with a mature height greater than 18" shall not be permitted within the sight triangle.

A clear sight triangle formed by a diagonal line connecting two points located on intersecting lines of pavement edge, each point being 20 ' from the intersecting lines.

3. Interior areas landscape requirements.

The following interior parking lot landscaping requirements shall apply to all parking lots except those exclusively serving single-family residential uses.

(i) A minimum of one landscape island shall be provided for each 10 parking spaces within an off-street parking area. Required landscape

islands shall have a minimum of 450 square feet and 12'-6" width. Each parking lot bay must terminate with a tree island.

- (ii) Each required landscaping island shall contain at least one canopy tree and there shall be at least one canopy tree per 10 parking spaces within the off-street parking area. Double-loaded interior parking landscape islands are to be no less than 10' wide and canopy trees planted in these islands are to be planted in line with parking stripes (between vehicles).
- (iii) Landscaping provided to meet the right-of-way buffer standards (same as perimeter landscape) of this article may not be used to satisfy interior parking lot landscaping requirements.

c. Buffers

1. The compatibility buffers as outlined in Section 12-127 are meant to provide sufficient buffering and screening between and among new and existing developments.

It is prohibited to remove any vegetation in these buffers without a permit except invasive species as listed on the "Invasive Plant Pest Species of South Carolina".

2. Natural buffer yards are the preference, those which vegetation has been permitted to have grown through natural succession to include trees which are at least 20' tall with thickly vegetated understory growth.
3. Densely planted buffer yards - If the current conditions of the proposed buffer yard does not meet the above definition the proposed landscape shall include 70% native variety of trees and understory planting which will mature to create an opaque buffer yard within five years of planting.

Sec. 12-128. Access, parking and loading regulations.

The following regulations are intended to aid in the design and location of proper access, parking, and loading areas in order to maintain safe and efficient traffic flow.

- (1) *Access/driveways.* The following regulations shall apply to all development to prevent the proliferation of poorly spaced driveways that can result in reduced safety and carrying capacity of community streets, except that the distances may be varied in accordance with section 12-163 to permit the construction of a single, safe access where no other access to a lot is possible.
 - a. Generally, any lot having access to more than one type of street shall provide access on the street designed for the lowest traffic volume.
 - b. Nonresidential properties having access to a minor and collector street may construct a single driveway on the collector street, provided that the driveway complies with the standards herein.
 - c. There shall be only one curb cut for an individual lot or parcel. Town approval shall be required for more than one curb cut to an individual lot or parcel from any street, where there is a compelling reason.
 - d. No lot or development parcel shall directly access Kiawah Island Parkway and the arterial portions of Governor's Drive and Flyway Drive.
 - e. Private residential driveways shall be a minimum of ten feet in width and provide a vertical clearance of a minimum of 13.5 feet. Nonresidential driveways shall be a minimum of 18 feet in width and provide a vertical clearance of a minimum of 13.5 feet.
- (2) *Spacing between driveways and intersections.* The centerline of driveways shall be separated from the centerline of other driveways and intersections in accordance with the following table 4D, excepting lots platted prior to adoption of the ordinance from which this article is derived and where relief is needed to protect essential natural features, such as specimen trees and dunes:

Table 4D. Driveway Separation Regulations	
Road Type	Minimum driveway separation
Arterial	Driveways prohibited
Collector	75 feet
Minor	No spacing limitation

- a. No driveway shall be permitted providing access to an arterial street if the property has access to a collector or minor street.
 - b. On minor streets, no driveway should be permitted within 60 feet of an intersection, except when relief is needed due to an existing tree, unusual lot configuration, wetlands or other topographical or geographic feature of the lot.
 - c. When channelized right turn lanes are used, the Planning Director shall determine the minimum spacing between the driveways and intersections based on AASHTO standards as modified by site-specific conditions.
- (3) *Parking and loading.* This section specifies the minimum parking and loading standards for the Town. Where strict interpretation of these standards creates a unique hardship, an individual may seek a variance pursuant to section 12-163.
 - a. *Minimum parking requirements.* Each use shall provide the number of parking spaces specified in table 4F in subsection (3)c of this section and comply with the following:

1. The Planning Director shall determine the number of parking spaces required for uses not referenced in table 4F in subsection (3)c of this section by first applying the standard for the most similar use or uses as listed in the table. If there is no similar use, the Planning Director may make a determination or may request that the applicant undertake a parking study.
2. Any fraction of a parking space required under this article shall be counted as a full parking space.
3. Handicapped spaces shall be provided as required by the Americans with Disabilities Act (ADA) standards shown below in table 4E in subsection (3)b of this section, or as requirements are amended by Federal Law.
4. Parking requirements shall be based on gross leasable area.
5. Off-street parking facilities shall be provided for any new building constructed and for any new use established, for any addition or enlargement of an existing building or use, or for any change of occupancy or manner of operation that would result in additional parking spaces being required; provided, however, if insufficient parking exists on a lot or parcel, then the number of spaces required to meet the needs of both the existing and new buildings or uses shall be provided.
6. Facilities being used for off-street parking on the effective date of this article shall not be reduced in capacity to less than the number of spaces prescribed, nor shall they be altered in design or function to less than the minimum standards prescribed herein.
7. For sites with more than one use, or for adjacent sites served by a common parking facility, the parking requirement shall be the total number of spaces required for each site or use.

b. *Accessible parking for physically disabled persons.* Handicapped spaces shall be provided as required by the Americans with Disabilities Act (ADA) standards shown in the following table 4E:

Table 4E. Minimum Number of Accessible Spaces for Physically Disabled Persons			
Total Parking Spaces Provided	Minimum Number of Spaces		
	Accessible	Van Accessible	Car Accessible
1–25	1	1	0
26–50	2	1	1
51–75	3	1	2
76–100	4	1	3
101–150	5	1	4
151–200	6	1	5
201–300	7	1	6
301–400	8	1	7
401–500	9	2	7
501–1,000	2 percent of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

c. *Minimum dimensions.* All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

1. *Car accessible spaces.* Car accessible spaces shall have at least a five-foot-wide access aisle located abutting the designated parking space.
2. *Van accessible spaces.* Van accessible spaces shall have at least an eight-foot-wide access aisle located abutting the designated parking space.
3. *Proximity to main entrance.* All accessible spaces shall be in close proximity to the main entrance of the facility being served.

Table 4F. Off-Street Parking Requirements	
Type of Development	Required No. of Parking Spaces ⁽¹⁾
Residential	
Single-family detached	2 spaces per dwelling unit (DU) ⁽²⁾
Duplex	2 spaces per dwelling unit
Patio homes	2 spaces per 2 bedroom per dwelling unit
Townhouses	2.5 spaces per 3 or more bedroom per dwelling unit
Multiple-family	1.5 spaces per efficiency or 1 bedroom per dwelling unit
Hotels	
Guestrooms	1 space per 4 persons allowed under maximum occupancy
Conference area (part of hotel structure)	1 space per 75 square feet of indoor seating area, plus 1 per 200 square feet of outdoor seating area
	50 percent of parking required for other uses
Other uses⁽²⁾	
General office	1 space per 300 square feet of GLA
Real estate sales/leasing	1 space per 100 square feet of GLA
Doctor/dentist office	1 space per 100 square feet of GLA
Retail/service	1 space per 250 square feet of GLA
Restaurant	1 space per 75 square feet of indoor seating area, plus 1 per 200 square feet of outdoor seating area
Religious activities and public assembly	1 space per 50 square feet of assembly area
Convention center (not accessory to hotel)	1 space per 4 persons allowed under maximum posted occupancy, plus 1 per employee in shift
Community services	1 space per 2 employees plus 1 per company car parked on the premises
Recreational	
Driving range	1.5 spaces per tee
Golf courses	4 spaces per hole, plus 50 percent of the other uses, plus 1 space per employee on the largest shift ⁽³⁾
Tennis courts	2 spaces per court, plus 50 percent of the other uses, plus 1 space per employee on the largest shift ⁽³⁾
Marinas	3 spaces per 4 slips, plus 50 percent of the other uses ⁽³⁾
Swimming pool	1 space per 300 square feet pool and deck area
Food and beverage	1 space per 75 square feet of indoor seating area, plus 1 space per 200 square feet of food service area
Other recreational facilities, indoor	1 space per 300 sq. ft

Parks (note: in addition to any other uses in this table)	1 space per 2 acres with minimum of 3 spaces
Mixed use parking	Calculated per individual use as set forth in this table
⁽¹⁾ The Planning Director may determine that parking in addition to any of the parking set forth in this table is necessary in the form of overflow parking on pervious surfaces.	
⁽²⁾ Single-family residences shall have adequate turnaround space along driveways so that vehicles do not need to back into or out of driveways.	
⁽³⁾ Other uses may include accessory meeting rooms/convention facilities and accessory restaurants.	

d. *Parking design standards.* The following are minimum design standards, the Planning Director may require modifications to parking lot design to ensure the safety of pedestrians, bicyclists and motorists:

1. All off-street parking shall be located outside of required landscape buffer areas and behind front building lines.
2. Parking facilities constructed, or reconstructed greater than 50 percent of their original size, subsequent to the effective date of the ordinance from which this article is derived shall conform to these design standards.
3. All required parking facilities shall be maintained for the duration of the use requiring such facilities. Parking facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles or light trucks not exceeding one ton in capacity, and shall not be used for the sale, display or storage of merchandise, or for the storage or repair of vehicles or equipment.
4. All required parking facilities shall be located on the same site as the use for which such facilities are required.
5. On street head-in parking is prohibited.
6. Angled parking is prohibited.
7. Required parking for residential uses shall be provided within an enclosed garage.
8. Each standard parking space shall consist of an independently accessible rectangular or trapezoidal area.
9. Each parking space shall have a vertical clearance of at least 7.5 feet.
10. Each parking and loading area shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have access to a street or alley.
11. The minimum parking facility design standards are listed in table 4G in this subsection.
12. Where applicable, the Planning Director may require overflow parking spaces in addition to those required in table 4F in subsection (3)c of this section. All overflow parking spaces shall be of a pervious surface.
13. Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.

Table 4G. Minimum Parking Facility Design Standards

Parking Pattern (degrees)	Maneuvering Lane Width (feet)		Parking Space Dimensions (feet)		Total Width of Two Tiers of Spaces and Maneuvering Lane (feet)	
	One-Way	Two-Way	Width	Length	One-Way	Two-Way
0 (parallel)	11	18	8.5	25	28	35
30—50	12	20	9	18	48	56
54—75	13	22	9	18	49	58
76—90	N/A	24	9	18	N/A	60

- e. *Markings.* In paved parking areas, each off-street parking space shall be identified by surface markings at least four inches in width. Marking shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles.
- f. *Off-street loading requirements.*
 1. *Spaces required.* For every nonresidential use there shall be provided sufficient space to accommodate the maximum number of trucks that will be loading, unloading, or standing at any one time.
 2. *Size of space.* Each off-street loading space shall be of a size commensurate with the buildings to be accommodated. In no case shall required off street loading space encroach upon off street parking space required by this article.
 3. *Location.* All required off street loading spaces shall be located on the same lot as the building which they are intended to serve.
 4. *Entrances and exits.* Off-street loading entrance and exit drives shall be located at least 25 feet from any street intersection.
 5. *Loading spaces adjacent to sidewalks.* Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or other barriers, as to provide adequate protection for pedestrians.
 6. *Maneuvering areas.* All off street loading spaces shall be provided with adequate off street maneuvering areas.

Gross Floor Area (square feet)	Loading and Unloading Spaces Required
0—1,999	None
2,000—4,999	1 space at the discretion of the Planning Director
5,000—19,000	1 space
20,000—99,000	1 space, plus one space for each 20,000 square feet or portion thereof in excess of 20,000 square feet
100,000 or more	5 spaces, plus one space for each 40,000 square feet or portion thereof in excess of 100,000 square feet

~~g. Parking, loading and vehicular use area landscaping – see Section 12-129 Tree Preservation & Landscaping Standards.~~

~~g. Parking, loading and vehicular use area landscaping.~~

~~1. Parking, loading and vehicular area perimeters. Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off street,~~

surface parking, loading and vehicular use areas. Parking areas for the exclusive use of single family dwellings shall be exempt from these requirements. Any off-street parking, loading or vehicular use area that will be entirely screened from view by an intervening building or structure or by a buffer provided to satisfy requirements contained elsewhere in this article shall also be exempt from these (parking, loading and vehicular use area) perimeter landscaping requirements.

~~2. — *Perimeter landscape requirements.*~~

~~(i) — A curbed perimeter landscape area at least ten feet in depth shall be provided at the perimeter of all off-street parking, loading and vehicular use areas, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the perimeter landscape area shall be located adjacent to the easement.~~

~~(ii) — Required perimeter landscape areas shall be planted in accordance with the following minimum standards:~~

~~A. — One canopy tree shall be provided for each 50 linear feet of parking, loading or vehicular use area perimeter. These trees may be used to satisfy the interior parking lot landscaping requirements;~~

~~B. — A hedge or other landscape material of at least three feet in height (at maturity) shall be planted within the perimeter landscape area to provide a continuous landscape element, or a combination of trees, hedge, other durable landscape material or approved wall, fence or earth berm may be used to form the continuous landscape element;~~

~~C. — All portions of the perimeter landscape area not planted with shrubs or trees or covered by a wall or fence barrier shall be planted in grass or ground cover; and~~

~~D. — Parked vehicles may overhang a landscaped area if curbing is installed to prevent any damage to plants within the required perimeter landscape area. Landscaping, walls, fences and earth berms will be located to prevent their damage and/or destruction by overhanging vehicles.~~

~~3. — *Interior areas landscape requirements.* The following interior parking lot landscaping requirements shall apply to all parking lots except those exclusively serving single family residential uses.~~

~~(i) — A minimum of one landscape island shall be provided for each ten parking spaces within an off-street parking area. Required landscape islands shall have a minimum of 325 square feet, variably dependent upon the species of the canopy tree proposed by the designer. Each parking lot bay must terminate with a tree island.~~

~~(ii) — Each required landscaping island shall contain at least one canopy tree and there shall be at least one canopy tree per ten parking spaces within the off-street parking area. Double-loaded interior parking landscape islands are to be no less than ten feet wide and canopy trees planted in these islands are to be planted in line with parking stripes (between vehicles).~~

~~(iii) — Curbs, wheel stops or other approved protective barriers shall be installed around all required landscape islands, as approved by the Planning Director.~~

~~(iv) — Landscaping provided to meet the right-of-way buffer standards of this article may not be used to satisfy interior parking lot landscaping requirements. Canopy trees provided to meet perimeter landscaping requirements may be counted to satisfy interior parking lot landscaping requirements.~~

h. *Paving and drainage.*

1. For all uses except single-family dwellings, parking and loading facilities shall be surfaced and maintained with asphaltic concrete or other permanent hard surfacing material sufficient to prevent mud, dust, loose material and other nuisances. Pervious materials may be allowed as approved by the Planning Director.
2. All parking and loading facilities shall be designed, graded and provided with permanent storm drainage facilities that prevent standing water on any parking area, and do not increase the flow of water onto adjacent properties, streets or alleys.

(Code 1993, § 12A-405; Ord. No. 94-12, § 2(12A-404), 9-26-1994; Ord. No. 2005-08, § 12A-405, 10-12-2005)

Sec. 12-374. Definitions.

Canopy tree means a tree, with a diameter of at least ~~2 1/4~~ 3 inches (as measured six inches above grade) at the time of planting, which will grow to a minimum height of 50 feet at maturity.

Green infrastructure and Low Impact Development Practices – decentralized strategies that use physical, chemical and biological principles to improve urban stormwater runoff quality and quantity. The goal is to develop land and manage stormwater in a manner that imitates the natural hydrology.

Understory tree means a tree, ~~ten to 12~~ 8' feet tall at the time of planting, which will grow to a minimum height of 20 feet at maturity.



TAB 3

TOWN COUNCIL

Agenda Item

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO24-000007

Planning Commission Meeting: June 5, 2024
Public Hearing and First Reading: July 2, 2024
Public Hearing: March 4, 2025
Second Reading: March 4, 2025

CASE INFORMATION

Applicant: Town of Kiawah Island

Application: The Town of Kiawah is requesting to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance Article II. Zoning, Division 5. General Procedural Requirements*, establishing Sec. 12-169. Stormwater Management Plan Review.

Key Factors of the Proposed Ordinance:

The purpose of the proposed zoning amendment is to enhance stormwater management best management practices for purposes of reducing flooding, protecting water quality, controlling erosion, fill and managing runoff. This proposed ordinance provides the Town with greater ability to review and administer stormwater standards and best management practices for low impact development and green infrastructure.

The proposed ordinance would be applicable to all development types including single family residential, non-single family residential and commercial development projects and would require a stormwater management plan for review and approval.

No lot shall be built upon, graded, or filled without the Planning Director or Building Official's prior approval of a stormwater management plan. The stormwater management plan and construction specifications must be stamped and signed by a registered engineer or landscape architect actively licensed in the state of South Carolina. All stormwater plans must include a scaled site plan and survey illustrating all existing and proposed topographical features of the lot, existing and proposed drainage flow patterns, with a site narrative describing the means and methods of preventing adverse impacts to adjacent and or downstream properties. The following site changes shall require the submittal of a stormwater management plan:

- a. Any new building construction, new impervious source or replacement of impervious surfaces, which cumulatively exceed 500 square feet in area.
- b. Adding fill or recontouring of twenty (20) percent or more of the existing lot area.

RECOMMENDATION BY THE PLANNING COMMISSION

Pursuant to §12-158(3) of the *Land Use Planning and Zoning Ordinance* "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of Planning Commission members present, and voting shall be required to approve the amendment."

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Pursuant to §12-158(5) of the *Land Use Planning and Zoning Ordinance* "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings,

and any time after the close of the public hearing, take action to approve, approve with modifications, or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present, and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in the exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendment until the Town Council has rendered its decision on the proposed amendment.

APPROVAL CRITERIA

Pursuant to §12-158(6) of the *Land Use Planning and Zoning Ordinance*, (6) Approval criteria. Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- a. The proposed amendment is consistent with the purposes and intent of the adopted Town of Kiawah Island Comprehensive Plan;
- b. The proposed amendment is consistent with the purposes and intent of this article;
- c. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;
- d. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

PLANNING COMMISSION MEETING – JUNE 5, 2024

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

On June 5, 2024, the Planning Commission Recommended approval of the proposed ordinance amendment by a vote of 6 to 1.

The Planning Commission highlighted the need to incorporate a qualifying factor for smaller lots. Planning staff incorporated a distinction between lots greater than 12,000 square feet and those less than 12,000 sqft in size, granting administrative discretion for lots less than 12,000 square feet in size.

PLANNING STAFF REVIEW & COMMENTS

Planning staff finds the proposed amendment satisfies the approval criteria pursuant to §12-158(6) and recommends approval.

The proposed text amendment is consistent with the Town's Comprehensive Plan as this amendment derives as a recommendation from the Comprehensive Marsh Management Plan, and the Flood Mitigation and Sea Level Rise Adaptation Report.

*Recommendation: Strictly limit impermeable surfaces, formalize stormwater BMPs for private properties.
"Justification: Current stormwater regulations simply direct designers to convey water to the critical line or other outfall point, without consideration of its potential effects on the marsh. Low Impact Development (LID) is an integrated, comprehensive approach to land development or redevelopment that works with nature to manage stormwater as close to its source as possible. LID practices can protect local water quality and reduce urban flooding through best practices in stormwater management. Widespread implementation will*

also reduce pollution of the marsh by filtering and nutrient retention.” – 2023 CMMP

The proposed text amendment adopts language to allow enforcement of current DHEC standards and greater Town of Kiawah Island standards for all developments as it pertains to stormwater and best management practices. As a subsequent step administratively, a Stormwater Management Plan Application is developed as part of the permitting process which outlines more detailed requirements for the applicant to submit for review. These may include but not limited to:

- A scaled site plan corresponding with a current survey, illustrating contour/topography lines, property boundaries, scale, and property ownership information (address, TMS#, etc.)
- Narrative describing means and methods of preventing adverse impacts to adjacent, downstream, and/or surrounding properties.
- Lot elevation at property corners, building pad, and lot elevations 10' within adjacent properties (this must be determined when adding fill to the property line)
- Spot elevations of low points
- DHEC-OCRM Critical Line and/or Baseline and Setback line
- Easements (include recording numbers if applicable)
- Existing and proposed structures including setbacks
- Location of trees to be removed and saved
- Location of existing and proposed stormwater drainage facilities such as roof downspouts, pipes, catch basins, grates, splash blocks, dispersion trenches, dispersion buffers, vegetated flow paths, infiltration trenches, etc.
- Existing and proposed structures (including bulkheads, retaining walls, etc.)
- Existing and proposed impervious surfaces such as driveways, patios, buildings, parking areas, sport courts etc.
- Proposed drainage flow patterns for surface runoff
- Construction details for proposed stormwater drainage facilities
- Location of adjacent public stormwater drainage facilities such as ditches and catch basins
- Location of water and sanitary sewer service
- Proposed temporary erosion and sediment control measures such as silt fencing, construction entrances, interceptor swales, concrete washouts etc. (Shown on plan)

In administering the standards for substantial developments, staff recommends a consulting engineer be hired to review stormwater management plans for larger projects and require applicants to submit inspection reports as recommended. Additionally provide advance training for TOKI staff to review and inspect single family projects. A water quality fee (stormwater) may be used to assist recommended offset of review costs.

Planning staff has outlined a comprehensive approach to regulatory changes for stormwater management for the Town of Kiawah Island which are being phased with the Planning Commission with inputs from the CMMP workgroup and the Environmental Committee. The proposed text amendment is one step of a phased approach to comprehensive regulatory changes. These include:

- Implementation of low impact development and green infrastructure best management practices.
- Adoption of greater stormwater management standards for Kiawah (engineered metrics)
- Modified onsite retention requirements and modified buffer standards for marsh and ponds
- Permeable requirements for driveways, parking and non-primary trails.
- Comprehensive review of lot coverage standards.

Continued efforts to educate and inform the community on best management practices will continue through collaboration with the CMMP workgroup and the Town's Communications Department.

A joint Town Council and Planning Commission workshop was scheduled on September 30, 2024 with invited engineers and experts to allow education and discussion on stormwater management, best management practices and greater resiliency efforts for Kiawah.

TOWN COUNCIL MEETING PUBLIC HEARING & FIRST READING – JULY 2, 2024

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

Town Council voted to recommend approval on first reading by a vote of 4 to 0.

TOWN COUNCIL MEETING SECOND READING – MARCH 4, 2025

The proposed ordinance is modified to incorporate reference to Charleston County Stormwater Program Permitting Standards and Procedures Manual.

Additionally, the proposed ordinance incorporates procedures for third party review. Planning staff recommends action to initiate process for procurement of continued services agreement for a third party review for stormwater management.

TOWN OF KIAWAH ISLAND

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.

WHEREAS, the Town of Kiawah Island Municipal Code currently contains *Chapter 12 - Land Use Planning and Zoning*; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance* to implement standards relative to stormwater management; and

WHEREAS, the text amendment would be consistent with the purposes and intent of the adopted Comprehensive Plan and would not be detrimental to the public health, safety, and welfare of the Town of Kiawah Island; and

WHEREAS, the text amendment would be consistent with the recommendations of the *Town of Kiawah Island’s Comprehensive Marsh Management Plan* and the *Town of Kiawah Island’s Flood Mitigation and Sea Level Rise Adaptation Report* for purposes of addressing stormwater runoff concerns for both water quantity and water quality; and

WHEREAS, the Planning Commission held a meeting on June 5, 2024 at which time a presentation was made by staff, and an opportunity was given for the public to comment on the text amendment request; and

WHEREAS, the Planning Commission, after consideration of the staff report, subsequently voted to recommend to Town Council that the proposed amendment be approved; and

WHEREAS, Town Council held a Public Hearing on July 2, 2024 [and March 4, 2025](#) providing the public an opportunity to comment on the proposed amendment.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Purpose

The purpose of this Ordinance is to amend Chapter 12 - Land Use Planning and Zoning Ordinance to provide for review and use of best management practices for stormwater management and construction practices for the purposes of reducing flooding, protecting local water quality, managing storage and treatment of stormwater runoff, reducing pollution of the marsh, reducing erosion, and managing fill as a result of construction activities.

Section 2 **Ordinance**

(1) The Town hereby establishes Section 12-169. Stormwater Management Plan Review as shown in the attached “**Exhibit A**” which is hereby incorporated herein by reference.

~~(1)(2)~~ The Charleston County Stormwater Program Permitting Standards and Procedures Manual, 2nd Edition (May 15, 2017) as shown in the attached “**Exhibit B**” which is hereby incorporated herein by reference.

Section 3 **Severability**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 4 **Effective Date and Duration**

This Ordinance shall be effective upon its enactment by Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS ~~XX~~ 4th DAY OF MARCH, 2025.

Bradley D. Belt, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: July 2, 2024

2nd Reading:

"Exhibit A"

Sec. 12-169. Stormwater Management Plan Review.

The purpose of this section is to provide for review and use of best management practices for stormwater management and construction practices for the purposes of reducing flooding, protecting local water quality, managing storage and treatment of stormwater runoff, reducing pollution of the marsh, reducing erosion, and managing fill as a result of construction activities.

1. *Applicability.*

- a. *Generally.* A stormwater management plan is required to be submitted to the Town for review in accordance with the provisions contained within this section for the following site changes:
 - i. All new construction, exterior remodeling involving a change in the building footprint, parking areas or other impervious surfaces, change of use that results in a more intense use, or additions to any site which cumulatively exceeds 500 square feet in area.
 - ii. Adding fill or recontouring of twenty (20) percent or more of the existing lot area for lots which are 12,000 square feet or greater in size.
 - iii. Adding fill or recontouring a lot less than 12,000 square feet in size that would impact the stormwater management as determined by the Planning Director.

2. *Application.* No zoning or building permit shall be issued for a development project until a stormwater management plan has been reviewed and approved in accordance with the provisions contained within this section.

~~2.1. Procedures for issuance of stormwater management plan approval.~~

~~a. Stormwater management plans shall be reviewed and are subject to the approval of the Planning Director or Building Official. For development projects requiring site plan review approval, pursuant to Sec. 12-162 Site Plan Review, the Planning Director may consult with an external engineer to provide review of submitted stormwater management plans.~~

~~b.a. A stormwater management plan may be approved, approved with conditions, or denied.~~

3. *Submittal Requirements.* The property owner or designated representative shall initiate stormwater management review by filing an application with the Planning Director. The contents of the application shall be included on a form developed by the Town, as may be amended from time to time.

- a. The stormwater management plan and construction specifications must be stamped and signed by a registered engineer or landscape architect actively licensed in the State of South Carolina.
- b. All stormwater plans must include:
 - i. A scaled site plan and survey illustrating all existing and proposed topographical features of all respective lot or lots;
 - ii. Existing and proposed drainage flow patterns;
 - iii. A site narrative describing the means and methods of preventing adverse impacts to adjacent, downstream, and/or surrounding properties; and
 - iv. Such other reasonable and pertinent information, materials, design specifications and maintenance schedules with regard to the stormwater, the subject property, or neighboring lots as the Planning Director may find necessary to carry out the purposes and intent of this section and to ensure compliance with South Carolina Department of [Environmental Services, Health and Environmental Control \(DHEC\)](#) and the [the Charleston County Stormwater Program Permitting Standards and Procedures Manual](#)

DRAFT (Revised 02.27.25)
(Proposed New Ordinance Section)

~~as amended and any other applicable Town of Kiawah Island standards within this article.~~

c. Inspection reports shall be submitted for review for development projects greater than 20,000 square feet in size or as recommended by the Planning Director or its designee.

~~e.i. The applicant shall be responsible for notifying the Town of when to schedule an inspection.~~

4. Requirement for Third Party Review

a. Submission Requirement: As part of any permit application for any proposed development, improvement or construction project within the jurisdiction of the Town of Kiawah Island, or encroachment to the Town of Kiawah Island right of way, the applicant shall submit a stormwater management plan prepared in accordance with applicable standards.

b. Third Party Review Requirement: The stormwater management plan submitted by the applicant shall be reviewed by a third-party reviewer, selected or approved by the Town to ensure compliance with all relevant stormwater management regulations, best management practices and applicable standards.

c. Third Party Review Fees: The applicant shall be responsible for paying all fees associated with the third-party review. These fees shall be determined by the Town based on the scope and complexity of the review required by the stormwater management plan. The fees must be paid in full before the permit is issued.

d. Third Party Review Report: The approved third-party reviewer shall furnish its review findings to the Planning Director and the applicant.

5. Procedures for issuance of stormwater management plan approval.

a. Stormwater management plans shall be reviewed and are subject to the approval of the Planning Director or Building Official. For development projects requiring site plan review approval, pursuant to Sec. 12-162 Site Plan Review, the Planning Director may consult with an external engineer to provide review of submitted stormwater management plans.

b. Upon review and of third party reviewer report, A stormwater management plan may be approved, approved with conditions, or denied.

"Exhibit B"



The complete 200 page document can be viewed on the
Town's website; www.kiawahisland.org with the Town Council
meeting materials

Charleston County Stormwater Program

Permitting Standards and Procedures Manual



May 2017



TAB 4

TOWN COUNCIL

Agenda Item

BEACH OPERATIONS AGREEMENT

AGREEMENT, entered into this 4th day of March 2025, by and between the **Town of Kiawah Island** (hereinafter the "Town") and **Coastal Expedition, LLC** (hereinafter the "Operator").

WHEREAS, the Town has authority over and responsibility for activities seaward of the 40-year setback line established by the SC Department of Ocean and Coastal Resource Management;

WHEREAS, Sec. 16-814. **Commercial activities restricted**, prohibits certain commercial activities seaward of the 40-year setback line unless under license from the Town;

WHEREAS, Operator has, plans to or is engaged in commercial activity within the Town's jurisdiction;

NOW, THEREFORE, the parties hereby mutually agree that Operator may provide services to the general public under permission and license from the Town subject to the terms and conditions set forth below:

1. **PERMITTED SERVICES:** Operator is authorized to provide the following services:
 - A. Beach Equipment
 - Lounge Chairs
 - Umbrellas
 - B. Private Charter Services:
 - Guided beach tours for groups of 10 or more people
 - Duration: 2 hours
 - C. Boat to Beach Trolley Service (Exclusive to The Dunlin):
 - Guided beach tours for groups of 6 or more people
 - Duration: 3 hours
 - D. Educational Beach Tours:
 - Open to the general public
 - Minimum group size: 12 people
 - Duration: up to 4 hours
 - E. Community Service Activities (through Operator Foundation):
 - Public beach sweeps and litter sweeps
 - Environmental education school group outings
 - Conservation-focused fundraising events
 - Educational programs supporting local environmental initiatives

2. **OPERATIONS:**
 - A. **AREA:** The beach area at the north end of Kiawah Island at the Stono Inlet, also known as Sandy Point.
 - B. **HOURS:** Operator may conduct activities on the beach seven (7) days per week between 8:00 AM and 7:00 PM.

3. **BEACH OPERATION FEE:** Operator shall pay the Town an annual Beach Operation Fee equal to 3 percent of the previous year's gross receipts. The fee calculation must include direct revenue and any revenue received by The Dunlin Hotel for beach services provided under this agreement. This fee shall be payable during the annual business license period from February 1 through April 30 when renewing or closing out the business license. The fee requirement applies throughout the agreement's term, including any renewal periods.

4. **COMPLIANCE:** Operator must comply with all Town of Kiawah Island ordinances, including those governing beach activities, equipment storage, and commercial operations.

5. **TERM AND TERMINATION:** This Agreement runs from March 4, 2025 to March 31, 2026. Either party may terminate for convenience, in whole or in part, with 30 days' written notice. For termination due to breach, the Town must provide written notice detailing the breach. Operator has 15 days to remedy the breach to the Town's satisfaction. If remedied, the Agreement continues; otherwise, the Town may terminate immediately upon written notice.

Upon termination, Operator must cease all operations. Failure to do so will subject Operator to fines, penalties, or other enforcement actions authorized under the Town's Code of Ordinances.

6. **INSURANCE:**

Operator shall carry and maintain the following insurance policies:

- **Worker's Compensation Insurance:** In statutory amounts.
- **Comprehensive General Liability Insurance:** Endorsed to include product and completed operations and contractual liability, with a minimum coverage of \$1,000,000 combined single limit.
- **Automobile Liability Insurance:** With minimum limits of \$500,000/\$1,000,000 or \$1,000,000 combined single limit.

Each policy shall stipulate that it cannot be canceled or changed without at least ten (10) days prior notice to the Town. The Town of Kiawah Island shall be included as a named insured on the comprehensive general liability policy. Operator shall

provide the Town with a Certificate of Insurance (COI) evidencing coverage.

7. INDEMNIFICATION:

- A. Operator shall defend, indemnify and hold harmless the Town, its officers, directors, agents and employees from and against any and all actions, costs, claims, losses, expenses and/or damages, including attorney's fees, whether incurred prior to the institution of litigation, during litigation or on appeal arising out of or resulting from the conduct of any commercial activity hereby authorized or the performance of any requirement imposed pursuant by this agreement, however caused or occasioned, unless caused by the willful misconduct or gross negligence of the Town.

- B. Operator shall further indemnify the Town, its officers, directors, agents and employees from and against any and all actions, costs, claims, losses, expenses and/or damage including attorney's fees, whether incurred prior to the institution of litigation, during litigation or on appeal, for or arising out of any bodily injuries to or the death of any of Operator employees working at the specified location of operation during the specified hours of operation which may occur, however, caused or occasioned, unless caused by the willful misconduct or gross negligence of the Town.

- 8. NO AGENCY CREATED:** The parties hereto intend that no master/servant, employer/employee, or principal/agent relationship will be created by this agreement. Nothing contained herein creates any relationship between Operator and the Town other than that which is expressly stated herein. The conduct and control of the agents and employees of Operator and the methods utilized by Operator in fulfilling its obligations hereunder shall lie solely and exclusively with the corporation and its agents, officers, and directors. Operator employees shall not be considered agents or employees of the Town for any purpose. No person employed by Operator shall have any benefit, status, or right of employment with the Town.

9. **EFFECTIVE DATE:** This agreement shall become effective upon approval by the Mayor.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

TOWN OF KIAWAH ISLAND

By: Bradley D. Belt
Its: Mayor

OPERATOR, INC

By: Chris Crolley
Its: CEO/Owner

DRAFT

BEACH OPERATIONS AGREEMENT

AGREEMENT, entered into this 4th day of March 2025, by and between the **Town of Kiawah Island** (hereinafter the "Town") and **Watersports Unlimited, LLC dba Tidal Trails** (hereinafter the "Tidal Trails").

WHEREAS, the Town has authority over and responsibility for activities seaward of the 40-year setback line established by the SC Department of Ocean and Coastal Resource Management;

WHEREAS, Sec. 16-302. **Essential vehicular traffic**, prohibits certain vehicular traffic on the beach unless permitted by the Town;

WHEREAS, Sec. 16-805. **Overnight storage of beach equipment prohibited**, prohibits the overnight storage of beach equipment seaward of the 40-year setback line unless permitted by the Town;

WHEREAS, Sec. 16-814. **Commercial activities restricted**, prohibits certain commercial activities seaward of the 40-year setback line unless under license from the Town;

NOW, THEREFORE, the parties hereby mutually agree that Tidal Trails may provide services to the general public under permission and license from the Town subject to the terms and conditions set forth below, providing only those items listed in **Exhibit "A"** to this agreement:

1. **TERM AND TERMINATION:** This initial agreement shall commence on the 4th day of March 2025 and expire on the 31 day of March 2026. This Agreement may be terminated with or without cause by either party in whole or in part at any time with thirty (30) days' written notice; provided, however, if the Town wishes to terminate the Agreement due to a breach or violation by Tidal Trails, it must first provide written notice to the Tidal Trails detailing the nature of the breach or violation. Tidal Trails shall have fifteen (15) days from receiving such notice to remedy such breach or violation. If the breach or violation is remedied within this period to the Town's satisfaction, at its sole discretion, the Agreement will continue as per its original terms. If the breach or violation is not remedied, the Town has the right to immediately terminate this Agreement, which termination shall be effective upon the Town's delivery of written notice of such termination to Tidal Trails.

For the avoidance of any doubt, if this Agreement is terminated, Tidal Trails shall cease all operations hereunder. Tidal Trails expressly acknowledges that failure to cease all operations hereunder shall subject Tidal Trails to fines, penalties, or any other action that the Town is authorized to implement or otherwise impose in

accordance with relevant provisions of the Town's Code of Ordinances.

2. **HOURS OF OPERATION:** Tidal Trails may conduct activities (as defined herein) within the beach area seven (7) days per week between 8:00 AM and 7:00 PM.
3. **VEHICLES:** Tidal Trails may bring onto the beach only those vehicles necessary to provide services to the general public. Operation of such vehicles shall otherwise comply with all Town ordinances.
4. **EQUIPMENT:** Beach equipment shall be limited to those items in **Exhibit "A."**
5. **AREA OF OPERATION:** The beach area in front of the Sandcastle Community Center (Property Owners Pool). Operations may not extend into the dunes.

6. **CONDUCT OF OPERATION**

A. Beach Operations and Equipment Delivery: Tidal Trails shall not conduct set-up operations on the beach. Services shall be delivered either to the customer's residence or, when beach delivery is required, equipment shall be dropped off solely at the designated location in front of the Sandcastle Community Center beachfront.

7. **BEACH OPERATION FEE:** Tidal Trails shall pay the Town an annual Beach Operation Fee equal to 3 percent of the previous year's gross receipts. This fee shall be paid when renewing or closing out the business license, and applies throughout the agreement's term, including any renewal periods.

8. **INSURANCE:**

The Tidal Trails shall carry and maintain the following insurance policies:

- **Worker's Compensation Insurance:** In statutory amounts.
- **Comprehensive General Liability Insurance:** Endorsed to include product and completed operations and contractual liability, with a minimum coverage of \$1,000,000 combined single limit.
- **Automobile Liability Insurance:** With minimum limits of \$500,000/\$1,000,000 or \$1,000,000 combined single limit.

Each policy shall stipulate that it cannot be canceled or changed without at least ten (10) days prior notice to the Town. The Town of Kiawah Island shall be included as a named insured on the comprehensive general liability policy. Tidal Trails shall provide the Town with a Certificate of Insurance (COI) evidencing coverage.

9. INDEMNIFICATION:

- A. Tidal Trails shall defend, indemnify and hold harmless the Town, its officers, directors, agents and employees from and against any and all actions, costs, claims, losses, expenses and/or damages, including attorney's fees, whether incurred prior to the institution of litigation, during litigation or on appeal arising out of or resulting from the conduct of any commercial activity hereby authorized or the performance of any requirement imposed pursuant by this agreement, however caused or occasioned, unless caused by the willful misconduct or gross negligence of the Town.

- B. Tidal Trails shall further indemnify the Town, its officers, directors, agents and employees from and against any and all actions, costs, claims, losses, expenses and/or damage including attorney's fees, whether incurred prior to the institution of litigation, during litigation or on appeal, for or arising out of any bodily injuries to or the death of any of Tidal Trails employees working at the specified location of operation during the specified hours of operation which may occur, however, caused or occasioned, unless caused by the willful misconduct or gross negligence of the Town.

10. NO AGENCY CREATED: The parties hereto intend that no master/servant, employer/employee, or principal/agent relationship will be created by this agreement. Nothing contained herein creates any relationship between Tidal Trails and the Town other than that which is expressly stated herein. The conduct and control of the agents and employees of Tidal Trails and the methods utilized by Tidal Trails in fulfilling its obligations hereunder shall lie solely and exclusively with the corporation and its agents, officers, and directors. Tidal Trails employees shall not be considered agents or employees of the Town for any purpose. No person employed by Tidal Trails shall have any benefit, status, or right of employment with the Town.

11. EFFECTIVE DATE: This agreement shall become effective upon approval by the Mayor.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

TOWN OF KIAWAH ISLAND

By: Bradley D. Belt
Its: Mayor

WATERSPORTS UNLIMITED, LLC

By: Duane Lapp
Its: Owner

DRAFT

EXHIBIT "A" TO BEACH OPERATION AGREEMENT

The following is a list of Equipment, Materials, and Supplies allowed on the beach by the Beach Operation Agreement.

- Floats/Body Boards
- Surfboards
- Sea Kayaks, Sit-on-top Kayaks

DRAFT



TAB 5

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND

ORDINANCE 2025-03

AN ORDINANCE TO ESTABLISH GUIDELINES FOR ENCROACHMENTS AND PERMIT REQUIREMENTS ON KIAWAH ISLAND PARKWAY AND BEACHWALKER DRIVE

WHEREAS, the Town of Kiawah Island recognizes the need to enhance and clarify regulations governing encroachments, development activity, and access within the rights-of-way of Kiawah Island Parkway and Beachwalker Drive, which are owned by the Town;

WHEREAS, Kiawah Island Parkway and Beachwalker Drive serve as the only public roadways providing access to and from the Town of Kiawah Island and Beachwalker County Park, making it essential to ensure their safety, efficiency, functionality, and aesthetic integrity; and

WHEREAS, to further protect the public interest, the Town seeks to establish clear standards and permit requirements regulating encroachments, drainage, utility impacts, construction activities, and other potential alterations within the rights-of-way to ensure the continued safety, accessibility, and orderly management of these corridors.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL:

Section 1 Purpose

The purpose of this Ordinance is to establish requirements for obtaining an encroachment permit for any project that involves access to Kiawah Island Parkway or Beachwalker Drive; impacts drainage or utilities within the right-of-way; or includes any construction, modification, or alteration of land in the right-of-way; to ensure the orderly management of activities affecting these corridors; protect public infrastructure; maintain the functionality and safety of roadways and drainage systems; preserve the integrity and aesthetic character of the rights-of-way; and otherwise ensure and promote public safety.

Section 2 Ordinance

The Town hereby establishes and enacts Section 11-101, entitled “Encroachments and Permit Requirements for Kiawah Island Parkway and Beachwalker Drive,” thereby establishing Chapter 1 – General Provisions of Article 11 (Public Works) of the Town Code, all as set forth in the attached “**Exhibit A.**”

Section 3 Severability

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included.

If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 4 **Effective Date and Duration**

This Ordinance shall be effective upon its enactment by the Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS ____ DAY OF _____, 2025.

Bradley D. Belt, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: _____, 2025.

2nd Reading: _____, 2025.

EXHIBIT A

CHAPTER 1. - GENERAL PROVISIONS

Section 11-101. - Encroachments and Permit Requirements for Kiawah Island Parkway and Beachwalker Drive

(1) Definitions.

For the purposes of this section, the following definitions shall apply:

- a. "Right-of-Way" shall mean the publicly owned or controlled land designated for roadways, sidewalks, utilities, drainage, and other public infrastructure along Kiawah Island Parkway and Beachwalker Drive, including any easements or access rights necessary for maintenance and public use.
- b. "Director" shall mean The Director of Public Works for the Town of Kiawah Island or an authorized designee.

(2) Permit Requirement.

An Encroachment Permit shall be required to be submitted to the Director, in a form and manner as determined by the Director, for any project, whether within or outside the corporate limits of the Town, that is proposed to have access to Kiawah Island Parkway or Beachwalker Drive via a road, street, driveway, path, trail, easement, or any other means, and that meets one or more of the following conditions:

- a. in any manner may impact drainage to, from, under, or within the Right-of-Way;
- b. in any manner may impact utilities, whether owned and/or operated by the Town or others, located above, below, or within the Right-of-Way;
- c. involves any other construction, modification, excavation, or alteration of land within the Right-of-Way;
- d. in any manner may affect or impact pedestrian or vehicular safety on Kiawah Island Parkway, Beachwalker Drive, or within the Right-of-Way; or
- e. in any manner may cause or result in damage or inordinate wear and tear of Kiawah Island Parkway, Beachwalker Drive, or leisure trails within the Right-of-Way.

(3) Permit Applications.

Applicants shall furnish a project plan to the Director with such information concerning the proposed project as may be required by the Director, and at no expense to the Town, before a permit may be approved. Such information may include, but may not be limited to, the following:

- a. a traffic impact analysis, prepared to the Director's specifications by a qualified transportation engineer registered in the State of South Carolina, assessing the project's effects on traffic flow, public safety, and roadway conditions;
- b. a drainage study, prepared to the Director's specifications, identifying and quantifying drainage from the proposed project, including its impact on existing roadway drainage

systems and compliance with all applicable provisions of the Town's stormwater program; and

- c. a utility impact study, prepared to the Director's specifications, identifying and quantifying the impact of the proposed project on any public or private utilities located above, below, or within the Right-of-Way.
- d. a site plan, identifying the proposed project's layout, dimensions, and key features within the Right-of-Way and demonstrating compliance with all applicable Town regulations and standards.

(4) Permit Conditions.

The Director may attach such conditions of approval to an Encroachment Permit as deemed necessary to protect the interests of the Town, including but not limited to requiring the applicant to:

- a. construct improvements and/or erect traffic signs and/or signals determined to be necessary to mitigate traffic impacts from the proposed project, or alternatively, make payment to the Town to defray the entire cost of such improvements;
- b. install replacements and/or modifications to existing roadway drainage systems, as specified by the Director, or alternatively, make payment to the Town to defray the entire cost of such replacements and/or modifications;
- c. repair and/or replace utilities, as specified by the Director, or alternatively, make payment to the Town to defray the entire cost of doing the same or reach agreement regarding the costs with any utility not controlled by the Town;
- d. repair any damage caused to the roads and Right-of-Way, as specified by the Director, or alternatively, make payment to the Town to defray the entire cost of such repairs;
- e. replace any vegetation destroyed or removed in the Right-of-Way, as specified by the Director, or alternatively, make payment to the Town to defray the costs of replacing such vegetation;
- f. manage and control the flow and volume of construction vehicles used in conjunction with the proposed project and establish hours of operation for such vehicles on the roads or in the Right-of-Way; and
- g. indemnify and hold the Town, its officers, employees, and agents harmless from and against any damages, claims, or injuries caused by the actions of the applicant or its agents in conjunction with the project.

(5) Project Completion

The applicant shall certify that the completed project is in accordance with approved plans and designs and, if so required by the Director, submit an as-built survey showing the location of existing or installed utility or drainage easement lines and dimensions, Rights-of-Way pavement edges, sidewalks, leisure trails, and other accessory structures.

(6) Enforcement and Remedies.

- a. The purpose and intent of this subsection (5) is to establish enforcement provisions, penalties, and remedies for violations of this section.

- b. A violation of this section occurs when any person or entity:
1. engages in any activity requiring an Encroachment Permit without first obtaining such permit;
 2. violates any condition of an Encroachment Permit issued under this section;
 3. conducts any construction, excavation, alteration, or other activity within the Right-of-Way that is not in compliance with an approved Encroachment Permit or this section;
 4. obstructs, interferes with, or fails to comply with any lawful order issued pursuant to this section; or
 5. causes damage to or fails to restore roads, utilities, drainage systems, vegetation, or other infrastructure within the Right-of-Way as required by this section or an Encroachment Permit.
- c. The Director shall be responsible for enforcing this section and may take one or more of the following enforcement actions:
1. issue a written notice of violation, setting forth the nature of the violation and the required corrective action;
 2. issue a stop-work order directing that any noncompliant activity cease immediately;
 3. withhold or revoke any approvals or permits required under this section;
 4. bring or cause to be brought an action for an injunction or mandamus to prevent, correct, or abate a violation; or
 5. cause to be issued an ordinance summons to the violator for violations observed firsthand.
- d. The Director shall determine the appropriate penalty based on the nature, severity, and duration of the violation. Factors to be considered may include, but are not limited to:
1. whether the violation was intentional, negligent, or due to a misunderstanding;
 2. the degree of harm or disruption caused to the Right-of-Way, utilities, drainage, traffic, or public safety;
 3. whether the violator has previously been cited for similar violations; and
 4. the extent and timeliness of corrective actions taken by the violator.
- e. Any person or entity found to be in violation of this section shall be guilty of a misdemeanor and, upon conviction, subject to a civil penalty not to exceed five hundred dollars (\$500.00) per violation per day, as determined by the Director. Each day a violation continues shall constitute a separate offense.



TAB 6

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND
POLICY MANUAL
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Welcome

We are pleased you have chosen to be a part of the team and wish you every success here. We believe that each employee contributes directly to the Town's growth and success, and we hope you will take pride in being a member of our team. The talents and skills that you possess, and your desire to do your job to the best of your ability, is why we want you on our team.

The strength and vitality that the Town of Kiawah enjoys today are due in no small part to the many contributions of our employees. The Town of Kiawah benefits greatly from the dedication and professionalism that each of you brings to your work. Your skills and talents are vital to our ongoing success, and your contributions will help us continue to provide services of the highest quality to our citizens.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. You should familiarize yourself with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with the Town.

Our vision for the organization is to be a proud workforce that empowers each employee by encouraging creativity, inspiring integrity, and promoting excellence. Our core values are pride, integrity, and commitment. You should have an idea of what these words mean to you, but you need to take the extra step to make sure you understand what these words mean for the work that you do for our citizens. Not only will everyone be evaluated by these standards, we all need to be on the same page so we can work together to make our vision a reality.

The Town of Kiawah also places a high value on customer service. Customer service is showing your customers by your actions that you value them and want them to be satisfied with both the outcome of the situation and how the situation was handled. Customer service is more than something you offer. Customer service is an attitude and one that all employees should share.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Bradley D. Belt
Mayor
Town of Kiawah Island

Stephanie Monroe Tillerson, AICP
Town Administrator
Town of Kiawah Island

SECTION I. MISSION AND PURPOSE STATEMENT

1.00 Mission Statement

The mission of Kiawah Town Government is to provide effective public services in a responsible and efficient manner, supporting the common good of our community.

1.01 Purpose

It is important that all employees understand and abide by the expectations of conduct and the work rules that form the employment relationship between the Town and its employees. This Employee Handbook is intended to describe the policies and work rules that apply to all employees of the Town of Kiawah Island.

These policies do not constitute a contract and may be modified, added to or eliminated from time to time, at the discretion of the Town. No supervisor, employee or Council member may make changes to these policies, offer promises or make commitments that conflict with these policies, without the written authority of the Mayor. Additionally, changes or exceptions to certain policies and programs may require approval of the Town Council. The policies included in the Handbook supersede any policies, written or oral, issued prior to February 1, 2025. If you have any questions about any of these policies you should discuss them first with your immediate supervisor, or with the Mayor or Town Administrator if your supervisor is not able to address your question or concern.

These policies are intended to cover the most common and routine personnel actions as well as the conduct of employees. Policy questions not specifically covered in the Handbook should be brought to the attention of the Mayor or the Town Administrator.

If any section, subsection, or provision of these policies is found invalid or unlawful, that ruling shall not affect the validity, intent and effect of any other sections.

Approved policy changes are generally distributed via memorandum or e-mail. While there is no guarantee that all changes will be distributed in writing, the Town will notify employees of changes to the policies described in this Handbook. Employees are encouraged to access the Handbook on the Town's intranet for the most current version of personnel policies and procedures.

SECTION II. EMPLOYMENT POLICIES

2.00 At-Will Employment

The contents of this Handbook are presented as a matter of information. Except for the at-will employment provisions, the Handbook can be amended at any time. The Handbook, policies, and procedures described herein, and the language used herein are not intended to create, nor is it to be construed to constitute, a contract between the Town and any or all of its employees. Likewise, neither is this Handbook, the policies and procedures described herein, nor the language used herein, intended to be or is, a guarantee or promise of employment or continuing employment.

ALL EMPLOYEES ARE "AT-WILL," MEANING THAT EITHER THE EMPLOYEE OR THE TOWN CAN TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY OR NO REASON, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. THE AT-WILL NATURE OF EMPLOYMENT MAY NOT BE ALTERED OR MODIFIED IN ANY MANNER WITHOUT PRIOR WRITTEN APPROVAL FROM POSITION TITLE. ALL EMPLOYEES ARE REQUIRED TO SIGN THE IMPORTANT NOTICE AND DISCLAIMER ACKNOWLEDGING RECEIPT OF THE EMPLOYEE HANDBOOK AND THE AT-WILL NATURE OF EMPLOYEES' EMPLOYMENT FOUND ON THE FIRST PAGE OF THIS EMPLOYEE HANDBOOK AT THE TIME OF HIRE OR UPON ISSUANCE.

YOUR STATUS AS AN AT-WILL EMPLOYEE CAN BE CHANGED ONLY BY AN AGREEMENT PERSONALLY SIGNED BY THE MAYOR AND YOU. NO OTHER OFFICER, EMPLOYEE OR OTHER PERSON HAS THE AUTHORITY TO CHANGE YOUR STATUS AS AN AT-WILL EMPLOYEE.

2.01 Reasonable Accommodations Statement

The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA") and the Americans with Disabilities Act Amendments Act (ADAAA). It is the Town's policy not to discriminate against any qualified employee or applicant regarding any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship to the Town.

The Town also complies with and will respond to requests for reasonable accommodations under the South Carolina Pregnancy Accommodations Act.

The Town respects the religious beliefs and practices of all employees and will make, on request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the Town's business.

Any employee who believes he or she requires a reasonable accommodation should submit their request in writing to the Mayor, Town Administrator, or Human Resources. If the employee has a complaint regarding an accommodation request that involves the Town Administrator s/he can refer the complaint to the Mayor or Town Attorney.

2.02 Equal Employment Opportunity

The Town is committed to equal employment opportunities for all. Equal Employment Opportunity has been, and continues to be, a fundamental principle at the Town of Kiawah Island. Employment and promotion are based upon personal capabilities, qualifications and contractual guidelines without regard to race, color, religion, age, sex (including pregnancy), childbirth, medical needs arising from pregnancy or childbirth, including but not limited to, lactation, sexual

orientation, creed, age, gender (including gender non-conformity and status as a transgender or transsexual individual, or sexual orientation), national origin, disability, veteran status, genetic information or any other protected characteristic as established by law. This policy applies to all terms and conditions of employment including policies and procedures relating to recruitment and hiring, compensation, working conditions, benefits, and termination from employment. The Town also prohibits retaliation against employees who have reported discrimination. Any employee who believes they have been discriminated against in violation of this policy should report the matter to the Mayor, Town Administrator or Town Attorney immediately.

2.03 Non-Harassment / Non-Discrimination Policy

A fundamental policy of the Town is that the workplace is for work. Our goal is to provide a workplace reasonably free from tensions involving matters that do not relate to the business of the Town. In particular, the Town will not tolerate harassment or discrimination in the workplace. The Town recognizes that illegal harassment or discrimination via social media websites is a serious matter and intends to treat such claims the same as other claims, as set forth below.

As used in this policy, the term harassment or discrimination concerns conduct relating to a person's race, color, religion, sex, pregnancy, genetic information, national origin, genetic origin, age, disability, ethnic background, handicap, veteran status, sexual orientation, or any other status protected by law that fails to respect the dignity and feelings of the individual. This Non-Harassment/Non-Discrimination policy also applies to all terms and conditions of employment with the Town, including but not limited to compensation practices.

Harassment can include, without limitation, verbal harassment (epithets, derogatory statements, remarks about an individual's body, degrading words used to describe an individual, demands for sexual relations or sexual contact, threats or insinuations that the person's employment, wages, promotional opportunities, work assignments or other conditions of employment may be adversely affected by not submitting to sexual advances or improved by submitting to those advances, unwelcome jokes, slurs, etc.), physical harassment (touching or physical interference with normal work), visual harassment (leering, making sexual or inappropriate gestures, displaying sexually suggestive posters, cartoons or drawings) and innuendo.

The Town regards all such conduct as potentially creating a hostile and offensive work environment in violation of this policy, regardless of whether submission to such conduct is made either explicitly or implicitly a term or condition of employment. Examples of sexual harassment include sexual propositions, sexual innuendo, sexually suggestive comments, sexually-oriented "kidding", "teasing" or "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body; or reading or otherwise publicizing in the work environment materials that are sexually suggestive or revealing.

Sexual Harassment

Unlawful sexual harassment is one form of harassment and may include: (a) physical assaults or physical conduct that is sexual in nature; (b) unwelcome sexual advances or comments or requests for sex or sexual activities linked to one's employment or advancement, regardless of whether they are based on promises or threat; (c) sexual displays or publications such as calendars, cartoons, or graffiti; or (d) other verbal or physical conduct of a sexual nature which has the purpose or effect of interfering with an individual's work performance, or contributing to an intimidating, hostile, or offensive work environment.

Reporting

If you experience or are threatened by any sort of harassment or discrimination by any person in the course of your work at the Town (whether by a fellow employee, supervisor, vendor, visitor, client, or any other person), immediately contact your supervisor, the Mayor, or Town Administrator. If one of those persons is suspected of being involved in the discrimination, harassment, or unwelcome conduct, or you otherwise are uncomfortable approaching that person, please contact the Town Attorney or Human Resources. You should also use this process to immediately report if in the course of your work you believe that the actions or words of a supervisor, another employee, or a non-employee constitute discrimination of any nature, harassment, or retaliation against another employee.

All complaints should be made in a manner that is convenient to you promptly after the incident occurs. The Town will then investigate the complaint. This may, in the Town's sole discretion, include interviewing witnesses and obtaining statements concerning the complaint. Information will be released only on a "need to know" basis and as determined by the Town. The Town, in determining whether to release information or determine the confidentiality of the investigation, and may consider, among other factors, the need to protect witnesses and prevent cover ups, evidence destruction and/or the fabrication of testimony. Such decisions will be made on a case-by-case basis.

Individuals who knowingly provide false information in an investigation are subject to disciplinary actions, up to and including immediate termination at the sole discretion of the Town. If the investigation substantiates the complaint, the Town intends to take appropriate corrective action as it deems necessary at its sole discretion.

An employee who remains unsatisfied during or after the investigation of their harassment or discrimination complaint or believes that an investigation was untimely or insufficient should promptly seek review by the Mayor or Town Administrator. Employees that provide a good faith report and/or information as a part of an investigation will be protected from retaliation.

Town Investigations

The Town intends to investigate all claims of harassment and discrimination thoroughly and promptly. The Town may meet with the complaining employee to discuss the result of the investigation and, where appropriate, review the proposed resolution of the matter. If an investigation confirms that harassment has occurred, the Town may take corrective action, including such disciplinary action, up to and including immediate termination of employment, as is appropriate. Complaints of harassment or discrimination will be kept as confidential as possible under the circumstances, as determined on a case-by-case basis. Information will be released only on a "need to know" basis as determined by the Town. The Town, in determining whether to release information, may consider, among other factors, the need to protect witnesses and prevent cover ups, evidence destruction and/or the fabrication of testimony.

Non-Retaliation

This policy also prohibits retaliation against any employee who complains in good faith of sexual or other harassment or discrimination or provides truthful information in connection with any such complaint. No employee or applicant for employment is subject to restraint, interference, coercion, or reprisal for seeking information about harassment or discrimination, filing a harassment or discrimination complaint, or serving as a witness with respect to such complaint. Any employee who believes that he/she has been retaliated against in violation of this policy should immediately report the matter to his/her supervisor, Human Resources, the Mayor, or Town Administrator.

The Town also strictly prohibits retaliation against any person for making a report, requesting guidance, or providing information about any matter you reasonably believe constitutes a violation of law, or for participating in, cooperating, or assisting in any investigation, or providing testimony in any governmental proceeding. Our policy also strictly prohibits retaliation against a person who provides truthful information relating to the commission or possible commission of a federal offense or who reasonably believed that what they reported constituted a violation—even if it later turns out that the person was mistaken in reporting the matter originally. The Town prohibits intentionally filing a knowingly false report. If you suspect that you or someone else has been retaliated against, you should report the matter promptly to your supervisor, Human Resources, the Mayor, or Town Administrator.

2.04 Complaint Procedure

The Town will promptly investigate any complaint of discrimination, harassment, hostile work environment or retaliation or other violation of Town policy and take appropriate corrective action.

If you believe that the Town's policies have been violated by anyone with whom you come in contact on the job, regardless of whether it is by a fellow worker, a supervisor, a member of Town Council or a member of the public, you have a responsibility to report the incident(s) to your supervisor, Mayor or to the Town Administrator. Complaints against the Administrator or a member of Town Council should be made to the Mayor. Complaints against the Mayor should be made to a member of Town Council or the Town Attorney. Timeliness of reporting an allegation of harassment is extremely important and will allow for a more complete investigation. All employees are expected to cooperate in any investigation.

Any supervisor who observes an incident of, or receives a complaint of, harassment, discrimination, creating a hostile work environment, or retaliation for making a complaint, has an obligation to investigate and/or report the incident or complaint to the Mayor or Town Administrator as appropriate.

SECTION III. ADMINISTRATIVE POLICIES

3.00 Computer and Other Electronic Devices and Internet Use

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Personal items and personal communications received or stored on Town property are not entitled to privacy.

Management may search Town property and documents in Town-owned vehicles, employee desks, file cabinets, electronic devices, etc. Further, to help provide for the safety and security of Town employees, guests and property, the Town conducts video surveillance of Town property.

Electronic media raise similar issues. The Town provides electronic and telephone communication and, when necessary, computers and mobile devices to employees. Although assigned to the employee, these items still belong to the Town. Similarly, any electronic files created on or software downloaded on, a Town-owned or provided computer or mobile device belong to the Town. Employees may not destroy or delete files from Town computers or mobile devices except pursuant to the General Records Retention Schedules for Municipal Records.

Internal and external emails may be considered public records subject to the SC Freedom of Information Act. These records must be archived in compliance with South Carolina Public Record law, and may be subject to discovery in the event of litigation or South Carolina Freedom of Information Act (FOIA) requests. Employees should know this possibility when sending emails within and outside the Town. Employees and Town Officials may not destroy or delete files of any kind from Town computers or mobile devices unless they are outside the required retention requirements as outlined by the South Carolina Archives.

Unacceptable and prohibited uses of the Town computer and other electronic devices include, but are not limited to the following:

1. Communicating, disseminating, downloading, or printing any threatening abusive, rude, disrespectful, discriminatory, sexually suggestive, or obscene material;
2. Political lobbying;
3. Communicating, disseminating, downloading, or printing any illegal material or material for use in or that furthers illegal activities;
4. Tampering or bypassing in any way software, security devices or security procedures installed on any Town computer in order to control, monitor and filter unwanted Internet information or communication;
5. Unauthorized viewing or transferring of material that is confidential or proprietary to the Town; and
6. Disseminating, downloading, or otherwise using destructive programs (i.e., viruses and/or self-replicating code).

You are also expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to the following:

1. Assume that all communications accessed via the Internet and e-mail create an audit trail of activity and that the Town monitors that audit trail. The employee has no expectation of privacy whatsoever related to the use of the systems.
2. Be polite. Never send messages that contain threatening, abusive, or defaming language, obscenity, or profanity.

3. Prevent dissemination of information or communication of any kind – including e-mail – containing threatening, abusive, or obscene material, inappropriate communications, or encoded files dangerous to the integrity of the network.
4. Maintain the privacy of the systems. Do not give out the name, address, or telephone number of anyone unless required in the furtherance and normal course of the Town’s business. Do not share passwords with others.
5. Monitor all e-mail received under your account.
6. If you receive any e-mail or attachment that you believe violates this policy or the Town’s policy against harassment, you should notify the Mayor or Town Administrator.

The Town reserves the right to review voice mail, electronic mail, computer and mobile device files, text messaging, and other electronic information generated by or stored in the Town’s electronic systems. The Town also reserves the right to report the finding of such reviews to appropriate agencies. The Town consents to the reasonable personal use of its computers and mobile devices. Although the Town consents to the “reasonable” use of its computers and mobile devices for personal business, what is “reasonable” is determined at the sole discretion of the Town.

3.01 **Cybersecurity**

The Town of Kiawah Island is committed to protecting its technology systems, data, and infrastructure from security threats. All employees share responsibility for maintaining the security and integrity of Town information by following established security protocols and best practices. Employees must use Town technology resources responsibly, exercise caution with emails and attachments, store work files only on approved systems, and report any security concerns immediately to IT and their supervisor.

The Town requires annual security awareness training for all employees. The Mayor, Town Administrator, and IT staff will enforce this policy and provide necessary support. Contact IT with any cybersecurity questions or concerns.

3.02 **Interaction with the Media**

The official spokesperson is the Town are the Mayor, or as may be delegated to Town Administrator, Town Attorney, and Director of Communications & Public Affairs, and are generally the only persons authorized to speak on behalf of the Town. Employees may not act or speak on behalf of the Town without express authorization.

3.03 **Outside Employment**

The Town expects an employee’s work for the Town to take precedence over any outside employment engaged in by an employee. Employees must receive prior written approval from the Mayor or Town Administrator before engaging in other employment. Should the Town, in its sole discretion, determine that the outside employment interferes with or is otherwise incompatible with employment for the Town, the employee may be asked to choose between the jobs.

Employees may not engage in any private business or activity while on Town work time or at Town workplaces.

3.04 **Social Networks, Personal Websites and Blogs**

Social networking, personal websites, and blogs have become common methods of self-expression.

Employees must understand that material posted on these media may be read by persons other than those for whom it is intended. Employees are cautioned that they are responsible for the

contents of social media posts they make. Posts that contain obscene or harassing material, that is unlawful, that contain personal attacks on coworkers, that reasonably call into question the employee's judgment, or that reasonably cause concern among the public may result in discipline, up to and including termination. Similarly, conduct that would violate Town policies if done in person also violates Town policy if done through social media.

Employees who post on media sites and who have identified themselves, or are identifiable, as an employee of the Town on those sites must make it clear that they are expressing their own views, not those of the Town.

The Town recommends that you always pause before posting. Do not publish information in haste or without thinking carefully about the impact of the statement you are about to make.

3.05 Special Pay Provisions During Inclement Weather or Declared Emergencies

This policy describes special pay provisions applicable to employees, whether performing their regular responsibilities or reassigned because of inclement weather or a declared emergency.

Inclement Weather

- A.** The Town Administrator, upon the approval of the Mayor, may close Town Hall due to inclement weather or other short-term emergency situations. In such cases, non-essential employees may work from home. During such closures, employees will receive their regular straight-time earnings during the hours of the closure. Employees with approved time off will continue to use their PTO until they are scheduled to return to work.
- B.** Employees are expected to return to in-person work when operations at Town Hall resume. Employees who are unable to return at that time will have leave charged to their available accrual balances or be placed on unpaid leave.

Declared Emergencies

- A.** Applicability of Special Pay Provisions. These provisions become effective once all the following conditions are met:
 - a.** The Mayor of the Town of Kiawah Island has declared a State of Emergency .
 - b.** The Town has suspended normal operations and is operating under emergency conditions.
 - c.** The Town has activated its Emergency Operations Center.
- B.** Pay During First 22.5 hours (3 days) of Declared Emergency
 - a.** Non-exempt essential employees receive their regular pay and overtime pay consistent with the overtime regulations set forth in Section 5.01
 - b.** Exempt employees required to work during this period may receive special compensation as approved by the Mayor.
 - c.** Employees who are scheduled to work but instructed not to report because of the declared emergency will receive their regular rate of pay for regularly scheduled work hours. Since Town Hall is subject to opening at any time if

conditions improve, employees are expected to remain in a work-ready status during normal working hours and be reachable by phone or email during those hours.

C. Pay Following First 22.5 (3 days) hours of Declared Emergency

- a. Employees not assigned responsibilities during the first 22.5 hours of a declared emergency may receive work assignments by the end of that period. Once they report to work, these employees will be paid consistent with pay provisions described below. Pay for employees who remain unassigned at the end of the 22.5 hour period will cease until they are assigned new responsibilities. These employees may use accrued paid time off to receive compensation during this period.
- b. Non-exempt employees receive their regular pay and overtime pay consistent with the overtime regulations set forth in Section 5.01
- c. Exempt employees receive their regular pay for their normal work hours. Town Council may approve special compensation to exempt employees during response and recovery.

The duration of such payments will vary by department and/or function. On a weekly basis, the Town Administrator will determine and report to the Mayor which department/functions are still working overtime.

- D. Since all employees are considered essential to town operations prior to, during and following declared emergencies, failure to check in when required or report when scheduled may result in disciplinary action up to and including termination.
- E. **Payroll During Emergency Closings.** If payday falls within a week a disaster is anticipated (such as a hurricane); everything possible will be done to pay employees on or before schedule.

3.06 Use of Town Vehicles

If an employee's job entitles or requires him or her to use a Town vehicle, the employee is responsible for the proper care of the vehicle. Abuse of or carelessness in the use of Town property is prohibited.

Under no circumstances shall a Town-owned vehicle be operated by an employee, whether on official or unofficial duty, if the employee has consumed alcohol or illegal drugs or legal drugs which adversely affect his or her ability to operate the vehicle. Additionally, the use of tobacco and smokeless tobacco in Town vehicles is prohibited. Operators are responsible for fines and damages resulting from his or her own negligence.

Any employee involved in an accident or receives a traffic citation must immediately notify the Mayor or Town Administrator. In case of an accident, the employee must submit to a drug test. Upon review of the accident, if the Mayor or Town Administrator determines that negligent or improper use contributed to the accident, the employee responsible for the vehicle may be subject to disciplinary action up to and including termination.

Employees, Council members, and volunteers who operate Town-owned vehicles must maintain and carry a valid driver's license for the class of vehicle being operated. Vehicles requiring special

licenses or endorsements may only be driven by employees possessing the proper license or permit.

The Town performs driving record checks for prospective employees and volunteers who will hold positions requiring a valid driver's license. Employment in the position is contingent upon receipt of satisfactory results.

Driving record checks may be conducted at any time for employees holding positions requiring a valid driver's license. At a minimum, checks are run in January of every year.

Persons driving a vehicle and all authorized passengers must wear seat belts while driving or riding in Town-owned vehicles or while driving their personal vehicle on Town business.

Employees who must use a cell phone to make or receive calls while driving a Town vehicle or their own personal vehicle on Town business must obey federal, state, or local laws related to use of cell phones while driving. Absent such laws, the Town encourages employees to pull off the road to a safe area to conduct business on the cell phone.

Texting or reading texts while driving a Town vehicle or their own personal vehicle on Town business is prohibited.

Vehicles assigned on a 24-hour basis are to be used for business purposes only. Business use is intended to include accomplishing work assignments and only those personal activities that can be accomplished en-route to and from work with minimum departure from direct route. **Use of Personal Vehicle for Town Business**- Employees traveling on authorized Town business on or off island may use their personal vehicle and request reimbursement of mileage. Employees must have proof of insurance coverage and possess a driver's license to use their personal vehicle on Town business.

An employee must have auto liability insurance (for both bodily injury and property damage) and proof of a minimum policy for liability coverage of \$100,000 per person/\$300,000 per accident. Proof of such insurance is required upon hire and on an annual basis thereafter. If an employee's liability insurance lapses, the employee must immediately notify the Mayor or Town Administrator.

3.07 Hybrid Work Policy

The Town has established the following guidelines for in-office and remote work. *This policy is temporary and will expire at the Town's discretion, with appropriate notice to all employees.*

We recognize the benefits of a flexible work environment while ensuring business needs are met. To support work-life balance and operational efficiency, we offer a **hybrid work policy** that allows eligible employees to work remotely **one day per week**, subject to the following conditions:

Eligibility

- This policy applies only to employees whose job responsibilities can be effectively performed remotely.
- Employees whose roles require in-person presence (e.g., frontline, facilities, or other on-site operational roles) are not eligible for remote work under this policy.

Guidelines for Remote Work

1. Scheduled Remote Day – Employees may select one remote workday per week, subject to supervisor approval, to ensure proper team coverage and business continuity. Scheduled day cannot be a Monday or Friday.

2. Availability – Employees must remain available and responsive during standard business hours while working remotely by email and phone.
3. Office Needs Take Priority – Employees may be required to come into the office on their remote day if business needs arise, including but not limited to Council meetings, team collaboration, or urgent projects. Advance notice will be provided whenever possible.
4. Work Expectations – Employees are expected to maintain the same level of productivity, professionalism, and engagement whether working remotely or in the office.
5. Technology & Security – Employees must have a reliable internet connection and adhere to all company IT security policies while working remotely.

This policy is subject to periodic review and may be adjusted based on Town needs. Any exceptions require leadership approval.

3.08 Workplace Privacy Expectations/Searches

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. At times, management needs access to communications or records maintained by employees in their individual workplaces. Each employee should understand that personal items and personal communications received or stored on or in Town property, facilities and/or premises (“Town property”) are not entitled to a guarantee of privacy.

Additionally, in the interest of a safe and drug free workplace, to safeguard property, or for other legitimate business purposes, the Town may search Town property at any time, at its discretion, and without notice. Such searches may take place while an employee is on or off the job. The search may include any property which belongs to the Town, even though it may be loaned to the employee. In this connection, please know that all equipment and storage areas are Town property and are issued for the use of employees only during their employment with the Town. The Town reserves the right to search employee offices, desks, file cabinets, bookcases, computers, laptops, etc.

At its discretion, the Town may also question employees. Employees are expected to cooperate in the conduct of such searches.

3.09 Whistle Blower

The Town of Kiawah Island is committed to maintaining the highest standards of business conduct and ethics. This Whistle Blower Policy reflects our dedication to facilitating open and honest communication regarding workplace concerns. We encourage all employees to report suspected violations of laws, regulations, or policies without fear of discrimination, retaliation, or harassment.

1. Reporting Procedure: Any employee aware of suspected misconduct, dishonest or illegal activities, or violations of town policies should report these concerns to their immediate supervisor. If the employee is uncomfortable speaking with their supervisor or is dissatisfied with the supervisor's response, they may submit their concerns in writing to the HR Consultant, Mayor or Town Administrator. Employees should report directly to the HR Consultant or Mayor if the concern involves the Town Administrator. Employees should report directly to the Town Attorney or Audit Committee if the concern involves the Mayor. Reports can be submitted anonymously, though providing your name may help in conducting a thorough investigation.
2. Protected Activities: Under this policy, protected activities include reporting suspected violations of law, cooperating in investigations, and refusing to participate in activities

that would result in a violation of law. This protection extends to reports made in good faith, even if the employee's concerns prove unfounded after investigation.

3. Confidentiality: The Town will treat all communications under this policy with discretion and maintain confidentiality to the extent possible while conducting a thorough investigation. The identity of the reporting employee will be protected unless disclosure is required by law or is necessary to conduct the investigation.
4. Investigation Process: Upon receiving a report, the appropriate authority will conduct a prompt, thorough, and objective investigation. All employees are expected to cooperate fully and provide truthful information. The Town will make every effort to complete investigations within 30 days, though complex cases may require additional time.
5. Non-Retaliation: The Town strictly prohibits retaliation against any employee who makes a good faith report under this policy. This includes protection from discharge, demotion, suspension, harassment, threats, or any other form of discrimination. Any employee who engages in retaliatory behavior will face disciplinary action, up to and including termination of employment.
6. False Claims: While we encourage honest reporting, knowingly making false allegations is prohibited and will result in disciplinary action. Employees should ensure they have a reasonable belief that misconduct has occurred before making a report.
7. Corrective Action: If an investigation confirms misconduct, the Town will take appropriate corrective action based on the severity of the violation. This may include disciplinary action, procedural changes, additional training, or other necessary measures to prevent future occurrences.
8. External Reporting: While we encourage internal reporting, nothing in this policy prohibits employees from reporting violations to the appropriate government or law enforcement agencies when they reasonably believe that illegal conduct has occurred.

This policy demonstrates our commitment to promoting organizational accountability and maintaining an ethical workplace environment. All employees are responsible for reporting misconduct and helping to foster a culture of integrity and transparency within the Town of Kiawah Island.

3.10 Department Rules and Standard Operating Guidelines

Department heads, in consultation with the Mayor or Town Administrator, are authorized to promulgate rules in addition to and supplemental to, but not inconsistent with, the provisions of this document. If department rules or policies conflict with the Employee Handbook, the supplemental to, but not inconsistent with the provisions of this document . If department rules or policies conflict with the Employee Handbook, the Employee Handbook will prevail.

SECTION IV. EMPLOYMENT PROCEDURES

4.00 Nepotism / Employment of Relatives

People in the same immediate family may not be employed or continue to be employed if one directly or indirectly supervises another or interacts with another in the handling of money or compensation. For purposes of this policy, immediate family is defined as spouse, parent, child, grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, brother-in-law, and sister-in-law. The immediate family is also considered to include stepparents, stepchildren, stepbrothers, and stepsisters when the employee and the step-relative have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as a domestic partner, co-habitant, or significant other) are treated as being within the immediate family of each other for the purposes of this policy. Members of the immediate family of elected officials of the Town are not eligible for Town employment.

If employees become related by marriage and create a situation prohibited by this policy, one of them may be asked to give up his/her position. If the employees cannot choose which, the employee with the lower budgeted annual compensation may be removed. The removed employee may be considered for other positions within the Town for which he/she is qualified.

Situations not specifically addressed in this policy that, in the Town's opinion, create a conflict of interest or give the appearance of a conflict of interest will be handled at the Town's discretion.

4.01 Employment Status

Regular Full-Time employees are those who are regularly scheduled to work the Town's full-time schedule, which is thirty-seven and one-half hours (37.5) hours per week. Generally, these employees are eligible for the Town's benefits package, subject to the terms, conditions, and limitations of each benefit program.

Regular Part-Time employees are those who are filling a part-time position and are normally scheduled to work less than thirty (30) hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the Town's other benefit programs.

Introductory Employees are part-time and full-time employees who have not yet completed their introductory period.

Temporary Employees are those hired for a limited period or until completion of a project or projects. Such employees may work part-time or full-time hours depending on the needs of the town. Temporary employees are not eligible for benefits.

Essential staff: All staff are considered essential until informed otherwise by their supervisor or someone higher in their chain of supervision. They will be advised when to report for duty during inclement weather, natural disasters, or any emergency. Planned or unplanned closure of Town Hall.

Exempt v. Non-Exempt

It is our intent to clarify the definitions of employment classifications in order for employees to understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specific period of time. Accordingly, all employees are employed at-will and may terminate their employment at any time for any reason or no reason, and the Company may terminate their employment at any time for any reason or no reason.

Exempt employees refer to those employees who are classified as not subject to the minimum wage and overtime pay provisions of the FLSA or applicable state law. An employee must be in a certain type of job as defined (executive, administrative, professional, outside sales, computer) and satisfy other specific requirements to be classified as exempt, regardless of title. Exempt employees are paid on a salary basis.

Non-Exempt employees refer to those employees, regardless of title or function, who are not exempt from the minimum wage and overtime pay provisions of the FLSA or applicable law. All employees who do not meet the detailed qualifications for exemption are included in this non-exempt category and are therefore eligible for minimum wage and overtime pay. Non-exempt employees are usually paid on an hourly basis. Those non-exempt employees paid on a salary basis are still eligible for overtime pay.

Questions regarding exemption should be directed to your supervisor or Human Resources.

4.02 Hiring

The Town endeavors to hire the most suitable candidate for open positions and encourages current employees to apply for positions for which they are qualified. The Town may also solicit and consider applications from external applicants. Decisions to fill an open position require prior approval by the Mayor or Town Administrator.

4.03 Introductory Period

Every new employee, including former employees who have been rehired, goes through an initial period of adjustment to learn about the organization and about his or her job. During this six-month introductory period, the employee will have an opportunity to find out if he or she is suited to his or her new position. In addition, the initial employment period gives the employee's supervisor a reasonable period to evaluate his or her performance and suitability for the position.

This period is not a guarantee of employment for six months. If the supervisor concludes at any time that an employee is not suited for the position, the employee may be terminated or may continue in an extended introductory period if approved by the Mayor or Administrator.

The introductory period ends successfully when the supervisor, not sooner than six months after the employee was hired, evaluates the new employee in writing and authorizes the new employee to be re-classified as a "regular" employee.

During the introductory period, new employees are eligible for Town-provided benefits and benefits required by law. After becoming a "regular" employee, the individual will become eligible for additional Town-provided benefits subject to the terms and conditions for each benefit plan. Participation and eligibility for benefit plans will be handled in accordance with the respective guidelines of each benefit offered.

4.04 Performance Evaluations

Formal performance evaluations are conducted annually, and more periodically as deemed appropriate, but the exact timing is at the Town's discretion. Generally, the Town will provide an evaluation no later than June 30 of each year. If the employee has not received an annual performance evaluation, the employee should notify his or her immediate supervisor. Evaluations are a factor in determining merit pay increases and promotability; however, favorable evaluations

do not mean an employee is entitled to either. The evaluation is intended to provide you and management with an opportunity to work together toward improved job performance. The evaluation also offers an opportunity for achieving greater job satisfaction. The evaluation will be documented and will require the signature of you, the Mayor and the Town Administrator to confirm that it has occurred.

You should make your supervisor, the Mayor or the Town Administrator aware of any performance problems that you may be having. Oftentimes, the performance problem may not be readily recognizable.

Ultimately, the Town's objective in encouraging and supporting frequent open discussion on performance is to: maintain satisfactory performance; foster outstanding performance; identify candidates for promotions and provide opportunities for career counseling and development; provide a means for early interception and resolution of performance problems; and create greater job satisfaction.

4.05 Guidelines for Conduct

Nothing in the Town's conduct policy should be read to restrict or inhibit the employees' rights under any applicable state or federal law, including the NLRA Section 7 right to discuss employees' terms and conditions of employment or otherwise act for their mutual benefit.

Employees are expected to meet acceptable standards of professional conduct during their employment with the Town. Violations of these standards may result in disciplinary action, up to and including termination. Disciplinary action is considered a dimension of performance evaluation, designed as a corrective process to help employees overcome work-related shortcomings, strengthen work performance, and achieve success.

Fairness and consistency require that certain principles of administering discipline be followed by all supervisors. Appropriate courses of action should be discussed by supervisors with the owner before any disciplinary actions are followed. Violations of the Town's policies may result in disciplinary action. The penalty may vary due to extenuating circumstances or prior violations. Because the circumstances of each situation are different, the Town may handle each disciplinary situation differently without setting a precedent for future cases and does not adhere to a progressive disciplinary process. Disciplinary action may include any of the following at Management's discretion and is not dependent upon previous disciplinary actions received by the employee:

- Verbal warning
- Written warning
- Final Written Warning / Suspension without pay
- Termination

The discipline policy described above does not apply to serious infractions that may result in immediate suspension or immediate dismissal and does not alter the at-will status of employees. Please refer to the cover of this Handbook. Serious infractions include, but are not limited to, the following: stealing, possession or use of unauthorized liquor or illegal drugs on Town property, intoxication, violation of the Town's Non-Discrimination/Non-Harassment policy, breach of confidentiality, physical violence, insubordination, falsification of reports, timesheets and/or expense documents, and participating in acts off of Town premises which would constitute a violation of the Town's policies if performed on Town premises (these acts include but are not limited to sexual harassment, violence, drug or alcohol violations, or violations of state or federal laws), and any other infraction as deemed appropriate at Management's sole discretion.

4.06 Personnel Records

The Town Administrator maintains an employee file on each employee. The Town treats personal information about employees as confidential and respects the need for protecting each employee's privacy.

The Town collects and retains only such personal information as it needs to conduct business and to effectively administer its employment and benefit programs. The Town takes all possible steps to make sure that personal and job-related information about employees is accurate, complete, and relevant for its intended purpose. Wherever possible, the Town notifies affected employees if it needs additional personal information and gives these employees an opportunity to supply the requested data.

An employee should promptly report to the Town Administrator any change in information that affects employment such as: marital status, newborn children, change of address, change in telephone number, change in driver's license and car insurance status, change in tax exemptions, insurance and retirement beneficiaries.

4.07 Resignation and Terminations

A voluntary separation from Town employment is generally considered a resignation and is initiated by the employee. An employee should submit his or her resignation in writing to their supervisor or the Town Administrator at least two weeks prior to their last day of work. An employee providing the required notice shall receive his or her final paycheck on the payroll date immediately following their last day of work provided all Town property has been returned in serviceable condition. Prorated Paid Time Off (PTO) shall be paid in the employee's final paycheck, if eligible. See PTO policy for details.

The Town generally initiates an involuntary separation from Town employment. An employee may be involuntarily separated from Town employment for many reasons, including but not limited to discharge for cause, failure to report to work, failure to obtain or maintain the qualifications for their position, poor performance, lack of work, and other appropriate reasons. Paid Time Off Leave earned but unused is forfeited.

SECTION V. COMPENSATION AND PAYROLL

5.00 Classification System

Town Council may develop a system for classifying positions within the Town, including pay ranges for those positions. Classification systems and pay ranges are subject to change at any time. The establishment of pay ranges or grades for any position does not guarantee the employee of that position any particular rate of pay.

5.01 Compensation

It is the Town's intention to provide employees with competitive total compensation and the opportunity to earn higher pay commensurate with their skills, experience and performance. The Town's compensation philosophy encompasses a pay-for-performance approach. Individual salaries are determined after consideration of external competitive pay levels, internal equity and position in range, performance level, and the availability of funds.

As part of the Town's compensation program, a salary range structure is established. Salary ranges may be adjusted periodically to maintain external competitiveness. Each position is assigned to a salary range and associated salary grade based on an evaluation of job content.

Salaries represent only a portion of an employee's total compensation. Total compensation also includes the value of various employee benefits

5.02 Overtime

As defined in the Fair Labor Standards Act ("FLSA"), all employees, except those in positions exempted by the Act, will receive overtime pay at the rate of one and one-half (1 ½) times their hourly rate for all hours worked in excess of forty (40) hours per workweek. Our workweek is 12:01AM Sunday through 12:00PM Saturday. If you have a question, you may ask the Town Administrator.

Non-exempt employees may not work overtime without the advance authorization of their supervisor or the Town Administrator except in cases of emergency. Any employee working in excess of forty (40) hours in a workweek without obtaining prior approval from their immediate supervisor or the Town Administrator may be subject to disciplinary action, up to and including termination from employment.

PTO and Holidays are not "actual hours worked," therefore, they are not included in calculating the forty (40) hour week for purposes of calculating overtime under the FLSA.

5.03 Working Off the Clock

Non-exempt employees are not permitted to work "off the clock" and not be paid for their work. If any employee believes they have been asked to work off the clock by a supervisor or becomes aware of any violation of this policy by another employee or supervisor, they should immediately report this conduct to the Mayor or Town Administrator.

Working off the clock, requesting or demanding a subordinate employee work off the clock, altering, falsifying, tampering with time records, clocking another employee in or out, or recording time on another employee's time record is strictly prohibited and may result in immediate termination.

5.04 Payment of Wages

Non-exempt employees are paid bi-weekly on a Friday and Exempt employees are paid on the first of every month by direct deposit. If a payday falls on a holiday or weekend, the direct deposit will be made prior to the holiday or the next business day. Employees should examine their online

paystubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made. Any payment errors must be reported to payroll within 14 days after a pay period.

If an employee receives pay more than their approved amount, the Town has the right to recoup the full overpayment amount regardless of discovery date.

The Town deducts from employees' gross pay taxes and withholding required by the taxing authorities. The Town may also deduct from employees' pay the employees' share of any premium or plan contribution for insurance, retirement and similar plans that are elected by the employee. The Town may make other deductions as required by law or court order. The Town does not make unauthorized deductions and will reimburse employees if such deductions are made inadvertently and reported to payroll.

Debts owed the Town, benefits, uniforms, tools, equipment, vehicles, keys, and other items belonging to the Town that are advanced or issued to an employee but not repaid or returned by the employee at the time of the employee's termination will be deducted from the employee's pay.

Exempt Employees

In accordance with wage and hour laws, exempt employees are paid a salary regardless of the hours worked in a work week, and their pay may not be docked or reduced if they work less than 7.5 hours on one day, except as otherwise permitted by law for exempt workers. Exempt employees are expected to work the number of hours required each week to get the job done each day and week. Compensatory time off is not offered at the Town. Questions should be directed to the Town Administrator.

5.05 **Periodic Pay Increases**

Employees will generally be considered annually for possible adjustments to compensation. Any adjustment to compensation, if provided, is intended to reflect an employee's performance and market conditions. Once fiscal year performance has been evaluated, merit increases are generally received in July for non-exempt employees and August for exempt employees. Salary adjustments may be considered outside the annual review cycle in instances of exceptional performance.

5.06 **Salary Adjustments**

Adjustments for promotion, reclassification or other job changes are subject to budgetary constraints and other factors as determined by the Mayor and Town Administrator. Adjustments are generally effective on the date of the event triggering the adjustment.

SECTION VI. HOLIDAYS AND LEAVE POLICIES AND PROCEDURES

6.00 Holidays

The following days are observed as paid holidays for the employees of the Town of Kiawah Island:

- New Year's Day
- President's Day
- Memorial Day
- Fourth of July
- Labor Day
- Veteran's Day
- Thanksgiving Day; and the Day after Thanksgiving
- Christmas Eve; and Christmas Day
- Two Personal Holidays – Days of your choice

Holidays that fall on Saturday are observed the preceding Friday. Holidays that fall on Sunday are observed the following Monday. If a recognized holiday falls during an eligible employee's paid absence (e.g., PTO, scheduled paid leave), pay will be provided as Holiday instead of the PTO benefit that would otherwise have applied.

6.01 Paid Time Off (PTO)

Paid Time Off (PTO) is an integral part of the overall benefits package and is granted to all eligible employees (see below) of the Town. Paid Time Off is credited on January 1 per calendar year to the employee account. New hires PTO is described below.

We value our employees and recognize the need for time off to be with family and friends and to take a break from the requirements of their job. Employees are expected to take their allowable time off during the calendar year. This PTO schedule also provides for short term absences due to illness or a non-job related accident. Except when due to illness, employees are encouraged to plan their PTO and provide a notice to their supervisor at least two weeks in advance. The Town reserves the right to deny requested paid time off. Additionally, in the case of conflicts, the employee with the most service will determine the schedule for the period of conflict.

New employees are entitled to 5 days/37.5 hours after completing the six months Introductory Period. The effective date for qualifying for an increased level of PTO is January 1 of the following year at a pro-rated rate from your anniversary date to January 1 of the following year.

<u>Length of Continuous Service</u>	<u>Days/Hours credited per calendar year</u>
1 – 3 Years	15 days / 112.5 hours
4 – 9 Years	20 days / 150 hours
10 – 20 Years	25 days/187.5 hours
21+ Years	30 days/225 hours

Prorated PTO Calculation for New Hires (Post-Introductory Period):

Month of Hire	PTO Available (Month)	PTO for Remainder of First Year (Days/Hours)	PTO in 2nd year (Days/Hours)
January	July	5 days / 37.5 hours	15 days / 112.5 hours (January)

February	August	4 days / 30 hours	15 days / 112.5 hours (January)
March	September	3 days / 22.5 hours	15 days / 112.5 hours (January)
April	October	2 days / 15 hours	15 days / 112.5 hours (January)
May	November	2 days / 15 hours	15 days / 112.5 hours (January)
June	December	1 day / 7.5 hours	15 days / 112.5 hours (January)
July	January (Next Year)	5 days / 37.5 hours (January)	7 days / 52.5 hours (July)
August	February (Next Year)	5 days / 37.5 hours (February)	6 days / 45 hours (August)
September	March (Next Year)	5 days / 37.5 hours (March)	5 days / 37.5 hours (September)
October	April (Next Year)	5 days / 37.5 hours (April)	4 days / 30 hours (October)
November	May (Next Year)	5 days / 37.5 hours (May)	3 days / 22.5 hours (November)
December	June (Next Year)	5 days / 37.5 hours (June)	2 days / 15 hours (December)

Notes:

- This chart assumes the employee completes the six-month Introductory Period and qualifies for PTO.
- Prorated PTO is calculated based on the months remaining in the calendar year post-Introductory Period.

It is intended that employees use all their time off in the calendar year. If an employee has unused PTO at year end, a maximum of 15 days/112.5 hours may be carried over to the following calendar year. An employee’s total carryover is limited to 15 days/112.5 hours, and any days more than 15 will be forfeited. If an employee resigns by giving the Town two (2) weeks written notice, employee will be paid for a prorated amount of unused PTO (see below for details). PTO will be issued with the final paycheck. If employment ends by any other manner, including termination, employee forfeits their accrued PTO balance.

Proration of PTO Upon Termination:

If an employee leaves the Town before the end of the calendar year, unused PTO will be prorated based on the number of months worked in the year.

The prorated PTO calculation will be determined as follows:

- $\text{Prorated PTO} = (\text{Months Worked} / 12) \times \text{Annual PTO Allotment}$

PTO taken during the year will be deducted from the prorated total to determine the final payout amount.

Any rollover amount from the previous year will be paid in full.

Example of Proration:

If an employee is entitled to 24 PTO days annually and leaves after working 7 months:

Prorated PTO: $7/12 \times 24 = 14$ days

If the employee has already taken 10 days of PTO, they are eligible for a payout of 4 unused PTO days.

PTO Deductions for Overuse:

If an employee has used more PTO than accrued on a prorated basis at the time of termination, the Town reserves the right to deduct the equivalent overused amount from the employee's final paycheck, where permissible by law.

6.02 Bereavement Leave

An employee will be paid up to 22.5 hours (3 consecutive working days) for time lost from straight time scheduled work due to attendance at the funeral of a member of their immediate family, which is defined as spouse, domestic partner, parent, child, grandparent, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in-law. The immediate family will be considered to include stepparents, stepchildren, and stepbrothers and stepsisters only when the employee and the deceased had lived together regularly in the same household at or prior to the time of death. The Town may require proof of relationship and attendance at the funeral.

Employees may be excused from work to attend the funerals of other family members and, upon request, may be paid for such absences from PTO balance.

6.03 Family Medical Leave ("FMLA")**Basic Leave Entitlement**

FMLA requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform her duties

for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, The Town is to maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees are to be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one (1) year, if they have worked at least one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if at least fifty (50) employees are employed by the employer within seventy-five (75) miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use FMLA leave in one block. It can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. FMLA leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

The Town requires employees to use accrued paid leave while taking FMLA leave. Under law, to use paid leave for FMLA leave, employees must comply with the Town's normal paid leave policies.

Employee Responsibilities

The FMLA requires that employees provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days advance notice is impossible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Additionally, under the FMLA, employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration

of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

The FMLA requires covered employers to inform employees requesting leave whether they are eligible under FMLA. If they are, the notice is to specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer is to provide a reason for the ineligibility.

Additionally, the FMLA requires covered employers to inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer is to notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement and Questions

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Of course, as always, we hope you will help us address any questions or concerns internally. Any concern about application of or violation of this policy should be addressed to the Administrator.

Upon you expressing a need for leave that may qualify under the FMLA, you should receive a notice of eligibility and specific expectations and obligations associated with the leave ("Notice of Eligibility and Rights & Responsibilities") after which The Town provides a "Designation Notice" with additional information. Any available paid leave is substituted and runs concurrently with FMLA leave designated as approved. You are expected to follow all previously established call-in guidelines for unforeseeable leave and to cooperate in providing complete and sufficient medical certification of a serious health condition and / or fitness for duty certification as requested by The Town.

Any questions regarding this general statement of FMLA rights and responsibilities may be directed to the HR Consultant or Town Administrator. The Town encourages open communication.

Outside Employment

Employees who are on approved leave of absence (paid or unpaid) may not perform work for any other employer, including self employment, during that leave period.

Extended Leave of Absence

Employees who seek temporary disability or family emergency extended leave of absence and have been employed for more than thirty days, but have not been employed for a sufficient amount of time or worked sufficient hours for FMLA, as applicable, may be considered for unpaid leave. Also, under certain conditions, limited unpaid leave may be considered as a reasonable accommodation for a qualified individual with a disability, despite length of service.

Granting of any leave and the amount of such leave is at the sole discretion of The Town. Periodic updates regarding intent and / or ability to return to work may be expected as a condition of such leave and / or holding a job open. Additionally, receipt of a physician's release to return to work may be necessary, if applicable.

Granting of any additional leave is also discretionary. If additional leave is not granted and the employee does not return to work on the day leave ends, the employee is terminated.

Extended Disability

Employees who are on continuous disability leave for the longer of: (1) the exhaustion of any FMLA rights or (2) the lesser of three (3) months or the period allowed by the insurance plan or applicable law, may continue their medical insurance coverage, at their own expense, as stipulated in the COBRA law. Benefits do not accrue during such prolonged leaves and job security is not guaranteed beyond any FMLA rights. If the disability leave, excluding FMLA leave, exceeds three (3) months and the employee is unable to return to work with or without reasonable accommodation, employment is terminated. Upon recovery, the employee may be considered for rehire.

6.04 Jury Duty and Subpoena to Testify

The Town encourages employees to fulfill their civic responsibilities by serving jury duty when required. An employee will be paid for wages lost from scheduled straight time work due to jury service up to a maximum of 80 hours per calendar year. If additional leave is needed beyond 80 hours, the Town Administrator can approve additional paid time to not exceed an additional 80 hours without the Mayor's approval.

To qualify for this payment, an employee called for jury service must:

- a. Give the employee's supervisor notice of such service within two work days of the time the employee is called for such service; and
- b. Report for work when released by the court on any day of jury service, or contact supervisor if released in the afternoon.

Either the Town or the employee may request an excuse from jury duty if, in the Town's judgment, the employee's absence would create serious operational difficulties.

If you are subpoenaed to attend legal proceedings that involve the Town, you will be paid your regular pay during your absence. If you are involved in court proceedings that do not involve the Town, you are to take PTO.

6.05 Military Leave

Employees are entitled to leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) to the full extent required by the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA").

Employees on military leave will receive paid leave for up to 15 days per military fiscal year for training or call-up. In addition, if an employee is called upon to serve during an emergency the employee will receive paid leave of absence not to exceed 30 additional days.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of PTO accrual and job seniority rights.

6.06 Return to Work

In the event an employee's return to work following an illness or injury may put the employee and/or other employees at risk, the Town Administrator may require the employee to submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. In the event there are restrictions, the Town Administrator in consultation with the appropriate Supervisor will determine whether the employee will be allowed to return to work.

6.07 Parental Leave

The Town will provide up to 8 weeks of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable.

Eligibility

Eligible employees must meet the following criteria:

- Be a full-time regular employee (part-time, temporary employees, and interns are not eligible for this benefit).

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be a spouse or committed partner residing with the employee who has given birth to a child.
- Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger). The adoption of a new spouse's child is excluded from this policy.

Amount, Time Frame, and Duration of Paid Parental Leave

- Eligible employees will receive a maximum of 8 weeks of paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the 8-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than 8 weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on regularly scheduled pay dates.
- Approved paid parental leave may be taken at any time during the twelve-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this twelve-month time frame.
- In the event of a female employee who herself has given birth, the 8 weeks of paid parental leave will commence at the conclusion of any short-term disability

leave/benefit provided to the employee for the employee's own medical recovery following childbirth.

- Employees may take paid parental leave in one continuous period of leave or intermittently and must use all paid parental leave during the twelve-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the twelve-month time frame.
- Upon termination of the individual's employment at the Town, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

Coordination with Other Policies

- Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- After the paid parental leave (and any short-term disability leave for employees giving birth) is exhausted, the balance of FMLA leave (if applicable) will be compensated through employees' PTO time. Upon exhaustion of PTO, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- The Town will maintain all benefits for employees during the paid parental leave period just as if they were taking any other Town paid leave such as paid vacation leave or paid sick leave.
- If a Town holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.
- An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee was on FMLA-qualifying leave.

Requests for Paid Parental Leave

- The employee will provide his or her supervisor and the human resource department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request.
- As is the case with all Town policies, the organization has the exclusive right to interpret this policy.

SECTION VII. EMPLOYEE BENEFITS

7.00 Deferred Compensation Match Program (Optional)

The Town of Kiawah Island matches 100% of an eligible employee's contribution to a 401(k) or 457(b) plan up to \$3,000 maximum (or as may amended by Town Council from time to time) on the employee's anniversary date. The Town's match is applied to the employee's account quarterly. This program runs by calendar year.

To be eligible for the Town match, the employee is to be actively employed in a regular, full-time capacity, have completed one year's continuous service, and be enrolled in the 401K program prior to January 1 of the match year.

Should this overview conflict with any benefit plan, the terms of the plan control.

7.01 Health and Dental Insurance

Regular full-time and part-time employees who work more than thirty (30) hours per week on a twelve (12) month basis are eligible for comprehensive group medical insurance for themselves and dependents in the Town's group medical, prescription drug and dental insurance plan. The terms of the Town's medical, prescription drug, and dental insurance benefits plans are subject to change. Contact the Town Administrator for specific information on the Town's benefit plans.

It has been the Town's practice, subject each year to Town Council approval, to additionally subsidize a portion of the remaining employee's insurance contribution. There is no guarantee that the Town will provide this subsidy in any future years. The Town pays as a minimum the employer rate as provided for by the SC Public Employee Benefits Authority (PEBA).

Should this overview conflict with any benefit plan, the terms of the plan control. Under COBRA, Town employees and their dependents may also have the right to continue, for a designated period, health and dental insurance coverage upon separation from employment.

7.02 Money Plus Flexible Spending Accounts (Optional)

Regular full-time employees, through MoneyPlus, can enroll in the Pretax Group Insurance Premium Feature, which means your premiums are paid before taxes are taken out of your paycheck. You can also select pretax payroll deduction options for different kinds of spending accounts. Dependent Care Spending Accounts (DCSAs) are available to all SC Public Employee Benefits Authority (PEBA) insurance eligible members for the payment of eligible day care expenses. Medical Spending Accounts (MSAs) are available to Standard Plan participants to pay eligible medical expenses. For more information about this optional benefit, contact the Town Administrator.

7.03 Retirement

All regular full-time and part-time employees are required by law to join the South Carolina retirement system plan. Seasonal and temporary employees have the option to opt out. Employee contributions, benefits and participation are regulated and managed by the retirement system. In all cases, the plan of the retirement system controls the actual contribution amounts and are subject to change per legislation.

7.04 Basic Long Term Disability

Eligible employees enrolled in the PEBA have a basic long-term disability protection at no cost. The Basic Long-Term Disability Plan protects a part of your income if you become disabled. It includes: a 90-day benefit waiting period; a monthly benefit of 62.5 percent of your pre-disability earnings, reduced by deductible income; a maximum \$800 monthly benefit; and a maximum

benefit period to age 65 if you become disabled before age 62. If you become disabled at age 62 or older, the maximum benefit period is based on your age at the time of disability.

7.05 Supplemental Long-Term Disability (SLTD) (Optional)

This optional disability insurance plan provides more protection for you and your family. Supplemental long-term disability is a voluntary benefit for which the employee pays. This benefit provides: Competitive group rates; Survivors benefits for eligible dependents; coverage for injury, physical disease, mental disorder or pregnancy; a return-to-work incentive; SLTD conversation insurance; a cost-of-living adjustment; and lifetime security benefit. There are two options either a 90-day or 180-day benefit waiting period that includes: a monthly benefit of 65 percent of your pre-disability earnings, reduced by deductible income, a maximum \$8,000 monthly benefit; and a minimum \$100 monthly benefit. For more details visit PEBA's website.

7.06 Retiree Health Insurance Policy

Employees classified as full-time with at least five (5) years of service before they retire from the Town of Kiawah Island, not Medicare eligible, and meet the requirements for retirees as defined under the South Carolina retirement system, may be eligible for post-employment supplementing health insurance benefits. The percentage amount of the monthly insurance payment to be paid by the Town of Kiawah shall be based upon the actual number of years of continuous employment with the Town as follows:

Years of Service with the Town	Employer Share	Retiree Share
Less than 5 Yrs of Service	0%	100%
6-10 Yrs of Service	15%	80%
11-20 Yrs of Service	30%	70%
More than 20 Yrs of Service	50%	50%

If a retiree becomes eligible for health insurance coverage through another employer or health insurance plan, the Town of Kiawah Island will no longer provide the cost share benefit. It is the responsibility of the retiree to notify the Town immediately upon becoming eligible for alternative coverage. Should a retiree regain eligibility for the Town's cost share benefit due to involuntary loss of alternative coverage, the retiree must provide documentation of this loss within thirty (30) days to reinstate the Town's cost share at the previously established level. The Town reserves the right to verify the insurance eligibility status of retirees receiving this benefit.

Retirees must reimburse the Town for their portion of the health insurance premium by the first day of every month. Failure to submit timely payment may result in termination of coverage. Upon enrollment in the retiree health insurance program, the Town will provide retirees with the specific amount due and acceptable payment methods.

The retiree must be in good standing to include no debt owed to the Town to receive the supplementing health insurance benefit offered by the Town.

7.07 Tuition Reimbursement

The Town provides tuition reimbursement to assist employees seeking an approved business-related degree or current job-related certification from any approved accredited college or university. The Town is proud to offer this benefit as an avenue to increase the knowledge base of employees and provide educational advancement for current and future opportunities at the Town. Completion of courses or degrees eligible for educational assistance does not suggest or indicate future employment or promotions. Employment will remain at will at all times. Please

reference the Tuition Assistance Program (“TAP”) Policy which provides full details on the administration of Town approved assistance.

7.08 Workers’ Compensation

The Town carries insurance to cover the cost of work-incurred injury or illness. Benefits may help pay for your medical treatment and part of any income you may lose while recovering. Specific benefits and qualifications for benefits are prescribed by law depending on the circumstances of each case. Report work-related accidents immediately to your supervisor and the Town Administrator for them to file a timely claim. It is expected that all injuries and/or damages, no matter how minor or slight, be reported immediately to your supervisor and/or the Town Administrator and in any case within no more than 24 hours. The Town pays the entire cost of this coverage.

7.09 Employee Assistance Program (EAP)

The Town has contracted with an EAP provider to offer short-term counseling and referral programs at no cost to Town employees. We are all subject to unexpected situations that may require the assistance of a professional counselor. The EAP helps employees and their families who may be experiencing alcohol abuse, drug abuse, stress, marital and family concerns, depression, and anxiety. Any employee experiencing personal problems affecting job performance, family life, personal health, morale, or emotional well-being is encouraged to contact the EAP. The Town EAP covers 8 counseling and 5 life management sessions.

7.10 Discretionary Awards

The Town may provide employee recognition and incentive awards to an employee or team upon the Mayor, Town Administrator, or supervisor's recommendation. This program is intended to reward staff employees whose achievements have resulted in a particular benefit to the Town of Kiawah Island. Awards are at the Town’s discretion; no employee is entitled to an award.

This policy applies to all Town employees.

- a. Under supervisor recommendation, through memorandum or email, an employee or team may be considered for recognition in the following areas:
 - i. Achieves excellence in a project or effort that falls outside regular job duties or requirements;
 - ii. Resolves a critical problem or addresses an exceptional opportunity;
 - iii. Exhibits an unusually high level of competence, imagination, persistence, or persuasion in achieving a goal or objective;
 - iv. Demonstrates an outstanding effort and leadership in support of team members; or
 - v. Receives special training certifications
- b. Recognition may be given in the form of monetary or non-monetary awards.
 - i. The employee’s Supervisor must approve non-monetary recognition for excellence. Non-cash recognition awards, such as a plaque, cannot exceed \$50.
 - ii. Monetary awards may not exceed \$200 per individual per award.

7.11 Employee Appreciation Program Events

The Town believes that employees are our most valuable asset and sponsors Employee Appreciation Events to provide opportunities for all employees to recognize employees, contributions, foster team-building, and provide inter-departmental interaction and celebration opportunities.

The Town typically sponsors at least two Employee Appreciation Events annually. These events are for the benefit of all employees. While employees are encouraged to participate, they are not required to do so. All Employee Appreciation Events are subject to budget approvals and work requirements.

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SECTION VIII. RULES & REGULATIONS

8.00 Business Travel and Related Expenses

Town employees and officials occasionally attend business meetings, conferences, etc. All reasonable and necessary expenses (mileage, meals, lodging, etc.) will be reimbursed on a per diem basis in accordance with the IRS guidelines.

Each Department Head is responsible for ensuring employees review this policy and understand its intent and requirements before departure on their first business trip. Absent extraordinary circumstances, all travel should be undertaken in an economical and efficient manner.

Employees should provide their Supervisor with a copy of their itinerary before leaving on business travel. Itineraries should also be included with all reimbursement and purchasing card reconciliations.

A. Business travel, including accommodations, must be approved in advance by the immediate supervisor, Mayor or Town Administrator.

B. Lodging.

a. Where approved travel dictates that the employee secure overnight lodging, the lodging may be paid on the Town credit card. Employees are expected to use sound business judgment in selecting accommodations. In many cases, a government rate is available, and employees should request this rate when registering at the hotel if the rate is less than the conference rate. Payments made with the Town credit card must be accompanied by a receipt.

C. Mileage Reimbursement

a. The Town reimburses mileage to any employee using their personal vehicle for business travel at the rate specified by the Internal Revenue Service each year. For the current mileage rate See <https://www.gsa.gov/travel/plan-book/per-diem-rates>

b. . The Town will also provide reimbursement for any tolls and parking charges.

c. Business travel will be measured from Town Hall where the employee typically operates from to the business destination, regardless of the employee's starting point (i.e., home residence.)

D. Meals.

a. Per diem allocation for breakfast will be made for days of departure and return if departure from the Town is prior to 8:00 a.m. or if return to the Town is after 8:00 a.m.

b. Per diem allocation for lunch will be made for days of departure and return if departure from the Town is prior to 12:00 noon or if return to the Town is after 1:00 p.m.

c. Per diem allocation for dinner will be made for days of departure and return if departure from the Town is prior to 5:00 p.m. or return is after 7:00 p.m.

d. Meal reimbursements with receipts must be requested on the Travel Expense Reimbursement Form. Meal expenses must be reasonable and should follow the per diem schedule. See <https://www.gsa.gov/travel/plan-book/per-diem-rates>

E. In lieu of actual costs for meals (breakfast, lunch or dinner), and employee may be reimbursed the IRS annual approved amount for meals.

- F. **Baggage Expenses:** Charges imposed by a carrier on personal luggage will be reimbursed by the Town. Personal luggage that exceeds weight or other established limitations will be borne by the employee unless the Mayor or Town Administrator approves a particular exception. The Town will pay any charges for business materials that an employee is specifically authorized to carry in or as part of the employee's personal luggage.
- G. **Combined Business and Personal Travel:** The Town will pay for the cost of the business segment, and the employee will pay for the difference between that and the total. There are no additional charges if the total is equal to or less than the business segment.
- H. **Airline Clubs:** Fees for membership or daily passes in airline clubs are considered personal expense and, therefore, not reimbursable.
- I. **Job Applicant Travel Expenses:** Job applicants selected for interviews may be reimbursed for mileage and subsistence expenses in accordance with this section. If lodging and/or air travel is involved, the Mayor or Town Administrator will determine all necessary arrangements for the applicant according to this policy.
- J. Travel costs are limited to the employee's costs and does not include a spouse, nor incidental entertainment or other costs.
- K. On an exception basis, travel advances may be made to cover anticipated travel expenses. Advance requests must be made at least 7 business days before travel.
- L. Travel expenses must be reported accurately and documented with required receipts on a travel expense form. Documentation must be provided to Finance within 7 business days of returning from a trip. Falsifying documentation or knowingly filing for and receiving reimbursement for travel expenses not covered by this policy may result in disciplinary action up to and including discharge.
- M. Time spent by non-exempt employees traveling away from home on Town business during normal working hours is considered as worked for pay purposes.

8.01 Gifts and Gratuities

The Town of Kiawah Island is committed to upholding the highest ethical standards in municipal governance. To ensure transparency, integrity, and public trust, municipal officers and employees must adhere to the guidelines set forth in Resolution 2024-04, which establishes the Town's official Gift Policy.

No municipal officer or employee may directly or indirectly solicit a gift or accept / receive a gift from a person organization of any gifts that fit the criteria outlined in Resolution 2024-04. For purposes of this Policy, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of the gift is the gift's fair market value, determined by the retail cost of the item or a comparable item.

8.02 Political Activity

Each employee has a civic responsibility to encourage good government. Town employees, on their own time, may attend political meetings and may support principles and policies of political organizations in accordance with the United States Constitution and applicable state and federal laws.

8.03 Open Communication

Supervisors and employees are encouraged to communicate openly and honestly on a regular basis. The Mayor, Town Administrator and supervisors are committed to the success of our employees. Open communication should allow everyone to feel comfortable doing the following things:

- Communicating needs and expectations
- Asking questions and discussing problems
- Sharing any suggestions to improve work processes and team performance

Supervisors are an important link to many of the resources available for an employee's personal and professional development. When assistance or support is needed, employees should begin with their supervisor. The Mayor and Town Administrator can also provide information or answer questions regarding Town policies or other work-related issues.

The Town maintains an Open-Door policy dealing with employees' questions, concerns, or suggestions. All employees should discuss any questions, suggestions, or problems with their immediate supervisor. If the employee feels that a satisfactory answer was not given, the employee should request to schedule a meeting with the next level of Management or Human Resources. This policy is not intended to limit employee's rights under any law, nor is it intended to prohibit employees from speaking with one another about the terms and conditions of employment or prohibit any other communications allowed by law.

8.04 Customer Service

We are a customer service-oriented organization that prides ourselves in providing the best services for our citizens. Therefore, the ability to provide excellent customer service is critical to the success of each employee, whether the customers are inside or outside the organization. The Town relies on each employee's expertise, commitment, dedication and team spirit to provide stellar service to everyone.

8.05 Hours of Work/Operation

Town staff generally work 7.5 hours per day or 37.5 hours per week. Normal business hours are 8:00 a.m. to 4:00 p.m. on weekdays with 30 minutes for lunch. However, some departments may operate outside of the Town's normal hours of business, and schedules of employees of those departments may differ from the Town's normal hours. Each department is responsible for scheduling its employees to meet the needs of the Town. Non-exempt employees may be required to work overtime.

8.06 Meals Period

Breaks and meal periods are intended to provide an opportunity for rest and relaxation. Accordingly, they should be enjoyed away from employee work spaces where available, or in appropriate designated areas.

A meal period is provided to non-exempt employees scheduled to work 7.5 or more hours in a day. Meal periods are not considered hours worked and therefore are not compensated. A meal period consist of thirty consecutive minutes during which the employee is completely relieved from work.

8.07 Attendance and Punctuality

Regular, on-time attendance is mandatory and essential to efficient operations. Good attendance is important to the operations and success of the Town. Employees have an obligation to the Town to be at work and on-time according to their schedule. Excessive absenteeism and tardiness are not tolerated and may result in termination. Regular attendance is a condition of employment

and an essential function of most jobs within the Town. Employees must obtain approval from their supervisors prior to taking scheduled time off. Employees must notify the Town of any absence or tardiness.

Individual employee schedules may vary according to operational needs and department requirements. All employees are expected to be ready to work the schedule requested or needed by the supervisors to whom they are primarily assigned. Any deviation from the normal work schedule must be approved by the supervisor in advance.

Employees who fail to maintain an acceptable attendance record may be subject to disciplinary action, up to and including termination. Absenteeism and tardiness can place a burden on other employees required to perform a co-worker's responsibilities. Employees who are absent or arrive to work late excessively or show a consistent pattern of absences or late arrivals, whether excused or unexcused, may be subject to disciplinary action, up to and including termination without notice or prior discipline. An absence or late arrival is considered to be unauthorized if the employee has not followed proper notification procedures or they have not been properly approved.

If an employee is going to be late for work, they must notify their supervisor as far in advance as is feasible under the circumstances, but at least 1 hour prior to the start of their schedule. Employees must notify their supervisor each day they are absent, unless otherwise approved by the supervisor. The employee needs to personally contact their supervisor; however, under emergency situations (ex. hospitalization, etc.), the employee may have a reliable person call on their behalf. Voice mail, email, or text messages are acceptable forms of initial notification.

Nothing in this policy shall be construed as limiting an employee's right pursuant to applicable laws such as identified under the FMLA or as part of other reasonable accommodations provided pursuant to the ADA. For more information regarding the Town's FMLA and ADA policies please see the corresponding sections in this handbook. If further information is requested, please contact HR.

8.08 Personal Work Areas

Each employee's workspace and surrounding areas should be safe, neat and free of clutter, conforming to the work environment of each department's activities and appearance.

Employees should be mindful of others. Anything displayed in the workspace and surrounding areas should be in good taste and should not violate any Town policy or be perceived by others as offensive. Employees must also be respectful of the work space of other employees.

The Town is not responsible for any articles that are placed or left in any employee area that are lost, damaged, stolen, or destroyed.

8.09 Professional Conduct and Work Environment

It is expected that every employee will conduct themselves in a professional manner consistent with the Town's policies. Employees are expected to be courteous and respectful to the public and their co-workers.

Employees are also expected to keep their work areas clean and orderly. Employees have a responsibility to ensure that confidential information is treated accordingly and that any materials of a confidential nature are kept out of public view and are properly secured at the end of the work day.

8.10 Dress Code and Personal Appearance

The Town expects all employees to maintain a professional appearance. While we respect individual style, employees must adhere to professional standards that reflect positively on the Town. Business or business casual attire is required for office-based and public-facing positions, and all clothing must be clean, well-maintained, and free from excessive wear or damage. Attire should be appropriate for the day's tasks and meetings, and department-specific uniforms or safety gear must be worn where required.

Certain items are considered unacceptable in the workplace, including clothing with offensive messages or graphics, overly casual items such as athletic wear, beachwear, or loungewear, revealing or excessively tight clothing, and dirty, torn, or unkempt clothing. Personal grooming standards require employees to maintain good hygiene, keep hair neat and clean, ensure clothing is clean and pressed, and use discretion with fragrances, considering colleagues' sensitivities.

Department heads may establish additional dress requirements based on safety needs, public interaction, or specific job functions. Employees should consult their supervisor if they have questions about appropriate attire. This policy applies to all Town employees, elected officials, and volunteers when representing the Town..

8.11 Ethical Conduct and Conflict of Interest

Acting in a manner that promotes and maintains the public's trust is a requirement of every employee. Employees must act always in accordance with the highest ethical standards and comply with all State ethics laws. Actions by employees, on and off the job, that represent a conflict of interest with the Town, or give the appearance of such, are prohibited and will result in corrective action, possibly including immediate discharge from employment.

Town employees are covered by state ethics laws that prohibit public employees from using their public position for their own personal gain or to benefit a family member or business associate. State law also prohibits employees from making governmental decisions on matters in which they, their family or business associates have an economic interest. Employees must notify their supervisors in writing of any matter in which they, their family or business associates have an economic interest and in which they must act on behalf of the Town. The supervisor must send the notification to the Mayor and Town Administrator for review. If the Town determines a potential conflict or appearance of conflict of interest exists, the matter will be reassigned to another employee.

Duty of Disclosure – Employees have an affirmative duty to promptly disclose to their supervisor any action or situation on their part, current or pending, that may constitute a conflict of interest or reasonably give the appearance of a conflict of interest, or any activity that might reflect negatively on the Town or community. Employees have a similar duty to make their supervisor aware of any action by another employee, elected official, or person or entity doing business with the Town that may constitute a conflict of interest, prohibited activity, or violation of this policy.

SECTION IX. A SAFE & HEALTHY WORKPLACE

9.00 Workplace Safety

The Town is committed to the safety and health of all employees. Maintaining a safe work environment, however, requires the continuous cooperation of all employees. Employees are expected to observe all safety procedures, wear required safety equipment, practice safety in the work areas, report any unsafe conditions or equipment and report all on-the-job injuries.

If you are ever in doubt about how to safely perform a job, it is your responsibility to ask your supervisor or the Town Administrator for assistance. All employees are expected to report any suspected unsafe conditions and all injuries that occur on the job immediately.

The Town strongly encourages you to communicate with your supervisor regarding safety issues. The Town may adopt separate safety, health and/or emergency policies and/or procedures with additional details. It is your responsibility to check with your supervisor.

Reporting Safety Issues, Accidents and Injuries

All accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues should be reported immediately to your supervisor or the Town Administrator. If you or another employee is injured, you should contact outside emergency response agencies, if needed. Whether or not an injury requires medical attention, a report of accident form should still be completed in case medical treatment is later needed as well as to assist with the correction of any existing safety hazards. If you fail to report an injury, you may jeopardize your right to collect workers' compensation payment as well as health benefits.

9.01 Smoking Policy

Other than areas that may be designated for smoking, to help ensure a safe and healthful working environment, smoking or vaping is prohibited in Town buildings, vehicles, and any place on Town Property. Smoking is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind." Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.

9.02 Drugs and Alcohol in the Workplace

The Town is committed to providing a safe and healthy workplace and to establishing policies that promote high standards of employee health and safety. The Town prohibits the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances. The Town also prohibits the unauthorized use of alcoholic beverages on Town premises. Further, it is a violation for anyone to engage in work for the Town or report to work in any impaired or intoxicated condition or under the influence of alcohol, drugs, or other illegal substances. All employees are required to report to work fit for duty.

This policy covers all Town employees at all times and places when in the process of doing work for the Town, including the following: our own premises; the parking lots and other public or semi-public spaces near the Town's facilities; all places where the employee's presence or performance is necessary to perform the work required by the Town; any vehicle owned, rented, or leased by the Town; and any vehicle, regardless of ownership, when used during the scope of an employee's duties. For purposes of this policy only, these places are referred to collectively as "Town Property."

No part of this policy or any of the procedures hereunder, is intended to adversely affect the Town's right to manage its workplace or to discipline its employees. Nor is it a guarantee of employment, continued employment, or terms or conditions for employment. Employees may be immediately terminated at any time in the sole discretion of the Town and the follow-up testing, counseling, and other provisions of this policy are not limitations on that right.

The Town prohibits:

- The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on Town or customer premises, during work time or while performing work on behalf of the Town.
- Being impaired or under the influence of legal or illegal drugs or alcohol where impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the Town's reputation.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from the Town or customer premises, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the Town's reputation.
- The presence of any detectable amount of prohibited substances in the employee's system while at work, while on the premises of the Town or its customers, or while on Town business. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.

On occasion, there may be Town-sponsored events that are off-duty and/or after hours, both on and off Town premises. During these times, employees are reminded that they are responsible for their own conduct at all times, and inappropriate behaviors may subject them to disciplinary action, up to and including termination.

Employees are expected to use good judgment in consuming alcohol at any Town or business-related event. Under no circumstances should you ever operate a vehicle if you are under the influence. Becoming intoxicated or displaying inappropriate behavior at any of these events will be considered grounds for discipline, including immediate termination.

Off-Duty Conduct

Off-duty possession, use, sale, or purchase of illegal drugs may reflect unfavorably on the Town and affect an employee's job performance and is prohibited.

It is the responsibility of each employee who observes or has knowledge or reason to believe that another employee is in a condition that impairs or may impair the ability of the employee to perform their job duties, or who presents or may present a hazard to the safety and welfare of the employee or others, or is otherwise in violation of this policy, to promptly report that fact to the Mayor or Town Administrator.

The Town may conduct drug testing under one or another of the following circumstances:

Pre-employment Testing: Applicants for full-time employment who fail a drug or alcohol test are not eligible for employment at the Town.

Random Testing: Employees may be selected at random for drug testing at any interval or as deemed appropriate by the Town using a method selected by the Town. Existing employees who fail a drug or alcohol test may be subject to discipline, up to and including termination. Refusal to submit to drug testing may result in discipline, up to and including termination.

For Cause Testing: The Town may ask an employee to submit to a drug test at any time it feels that the employee may be under the influence of drugs or alcohol, including, but not limited to,

the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol, negative performance patterns, observed inappropriate or questionable behavior or excessive and unexplained absenteeism or tardiness. Existing employees who fail a drug or alcohol test may be subject to discipline, up to and including termination. Refusal to submit may result in discipline, up to and including termination.

Post-Accident Testing: Any employee involved in a recordable on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. "Involved in an on-the-job accident or injury" means not only the one who was injured, but also any employee who potentially contributed to the accident or injury event in any way. Employees involved in a motor vehicle accident while on work time may be required to submit to a Town paid test for drugs or alcohol. Existing employees who fail a drug or alcohol test may be subject to discipline, up to and including discharge. Refusal to submit may result in discipline, up to and including termination.

A positive test for purposes of drug and alcohol testing is the cutoff levels adopted by the United States Department of Health and Human Services in its Guidelines for Federal Workplace Drug Testing Programs. If a cutoff level has not been established for a particular drug, the Town applies standards adopted by the National Institute on Drug Abuse or as otherwise recommended by the testing laboratory.

Any employee who violates this policy may be subject to discipline, up to and including termination. Employees who violate this policy may be reported to the proper law enforcement authorities. If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including termination from employment.

No part of this policy, or any of the procedures hereunder, is intended to adversely affect the Town's right to manage its workplace or to discipline its employees. Nor is it a guarantee of employment, continued employment, or terms or conditions for employment. Employees may be immediately terminated at any time at the sole discretion of the Town and the follow-up testing, counseling, and other provisions of this policy are not limitations on that right.

Employees must report any conviction under a criminal drug statute for violations occurring on or off Town property. A report of a conviction must be made within five (5) days after the conviction. Conviction for the manufacture, distribution, or sale of drugs may result in immediate discharge. An employee may be suspended indefinitely without pay upon being criminally charged and pending resolution of the matter.

The Town has a "Zero-Tolerance" for violation of this Substance Abuse / Drug-Free Workplace Policy. Anyone testing positive for drugs or found to be in violation of this policy in any way may be immediately terminated without warning. If for any reason a negative test result is not received from the drug testing laboratory within 48 hours of giving the sample, the employee donor is suspended from work until such test results are made known either as a confirmed negative or positive test.

Employees who suffer from substance abuse problems, whether involving drugs or alcohol, are encouraged to seek advice from Human Resources before the problem leads to disciplinary action.

9.03 Workplace Violence

The Town does not tolerate any type of workplace violence committed by or against employees by other internal personnel, visitors or anyone else in the Town's workplace including physical

and/or verbal threats assaults or intimidations. Employees are prohibited from actual or implied violence, threats of violence or menacing behavior. Possession of firearms or weapons of any sort on Town property or grounds, and Town vehicles by anyone other than sworn County Deputies and Town employees associated with wildlife management authorized to possess firearms is absolutely prohibited. Any employee who violates this policy is subject to disciplinary action, up to and including termination from employment.

9.04 **Weapons Policy**

Weapons are strictly prohibited on Town property except as stated below or permitted under state or local law. Weapons include, but are not limited to, firearms, knives, mace, explosives, any object defined as a dangerous weapon by state or federal law, or any item with the potential to inflict harm that has no common purpose. This list is illustrative only, and not exhaustive.

If an employee has a permit that enables them to carry weapons, they must have written approval from the Mayor to have this weapon on Town property.

If an employee is unsure whether an item is covered under this policy, they should contact the Mayor or Town Administrator. Employees are responsible for making sure that any item they possess is not prohibited by this policy. If an employee becomes aware of anyone violating this policy, they should notify the Mayor or Town Administrator immediately. Failure to comply with this policy may subject an employee to disciplinary action, up to and including immediate termination.

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SECTION X. DISMISSAL & SEPARATION OF EMPLOYMENT

10.00 TERMINATION AND DISCIPLINE

As noted in the At Will Employment Policy, either the Town or the employee may terminate employment with or without cause, subject to the terms of any written and properly authorized employment agreement. The Town also reserves the right to take disciplinary actions, including termination of employment, for a variety of reasons that might include unsatisfactory job performances, absenteeism, tardiness, failure to follow the policies in this Handbook, safety violations, or other circumstances deemed appropriate by the Town. The Town has the right to proceed directly to termination, without resort to prior disciplinary steps or warnings when the Town determines in its sole discretion that such action is warranted based on the facts and circumstances known to the Town.

10.01 SEPARATION OF EMPLOYMENT

The Town operates under the principle of employment at will, see at-will policy. This means that neither you nor the Town has entered into a contract regarding the duration of your employment. You are free to terminate your employment at any time, with or without reason. Likewise, the Town has the right to terminate your employment or otherwise change the terms and conditions of your employment at any time, with or without reason, consistent with applicable state and federal law.

Since employment is based on mutual consent, employees, and the Town each have the right to terminate employment at-will, for any reason or no reason, without notice. However, the Town requests at least two weeks advance notice, preferably in writing, if an employee intends to voluntarily resign so work reassignments can be planned in advance. A notice of more than two weeks is also requested from Management-level employees.

Employees are responsible for all Town property, keys, access cards, materials, or written information issued to them or otherwise in their possession or control. Employees must return all Town property to their immediate supervisor, the Mayor, or Town Administrator prior to leaving. The Town may withhold from the employee's check or final paycheck the cost of any damaged items or items not returned when required, to the extent permitted by law. The Town may also take all action deemed appropriate to recover or protect its property. At the discretion of the Mayor and Town Administrator, terminated employees may be allowed a short time to collect personal belongings under Management's supervision and may be escorted from the Town's premises.

10.02 JOB ABANDONMENT

Job abandonment is considered to include any of the following actions (when they occur without the employee's supervisor's knowledge and permission): leaving the job site during normal work hours; failure to return to the employee's workstation after a break or meal period; failing to return to work after running a work-related errand; or failing to show up for work for three (3) days without making any effort to notify their supervisor of the reason for the absence as required by Town policy. Any employee who abandons their job may be subject to consequences up to and including termination.

As previously stated, employees who are absent from work for three (3) days without giving proper notice to the Town will be considered as a voluntary resignation.

Regular attendance is of prime importance for all employees. In fairness to all, employees with poor attendance and punctuality records may be subject to disciplinary action, up to and including termination.

Management reserves the right to use its discretion in applying this policy under special or unique circumstances.

This provision will not prevent an employee from leaving or missing work as protest for the terms and conditions of their employment or otherwise expressing their NLRA Section 7 rights.

10.03 EXIT INTERVIEWS

At voluntary separation, the Mayor or Town Administrator may request an exit interview to discuss your reasons for leaving and any other impressions that you may have. Your insight and feedback would be helpful.

10.04 RETURN OF TOWN PROPERTY

Any Town property issued to an employee, such as Employee Handbook, information, files, manuals, uniforms, keys, documents, equipment, protective equipment, phones, or other property provided must be returned at the time of separation. Employees will be responsible for any lost, unreturned, or damaged items. The value of any property issued and not returned may be deducted from the final paycheck to the maximum extent permitted by law, and the employee's signature receipt of this handbook authorizes such deduction.

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SECTION XI. CLOSING STATEMENT

Our team thanks you for taking the time to thoroughly read your Handbook. Any questions with respect to any of the provisions of this Handbook should be addressed to your immediate supervisor, the Mayor, or Town Administrator.

You are entitled to express your point of view on work-related matters in a constructive manner, as well as to make any productive suggestions in any of the communication avenues available within the Town.

All employees are encouraged to bring forward their suggestions and good ideas about how the Town can be made a better place to work, our jobs improved and our services to our clients enhanced. When you see an opportunity for improvement, please talk it over with your supervisor. They can help you bring your idea to the attention of the people in the Town who are responsible for possibly implementing it. All suggestions are valued and listened to.

11.00 HANDBOOK REVISIONS

As the Town continues to grow and progress, opportunities to improve our policies and procedures will occur. As we periodically review this Handbook, the Town reserves the right, with or without notice, to unilaterally change or terminate the plans, practices, and policies referred to in the Handbook. This Handbook is a basic summary of current information regarding employment at the Town of Kiawah Island. Questions not answered herein should be directed to the Mayor, Town Administrator, or supervisor.

RECEIPT & ACKNOWLEDGEMENT OF TOWN EMPLOYEE HANDBOOK

EMPLOYMENT AT-WILL STATUS AND CONFIDENTIALITY REQUIREMENTS

This Handbook is intended to help you become acquainted with some of the current policies of The Town of Kiawah Island (the "Town") in effect on the date of this Handbook. This Handbook serves as a guide; it is not the final word in all cases. Individual circumstances may be handled on an individual basis at the Town's sole discretion. This Handbook and the policies described in this Handbook may be changed at any time at the sole discretion of the Town without notice.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the Town's Handbook and your understanding that you are an employee-at-will.

- * I have read, signed, and understand the Notice and Disclaimer located on the cover of this Handbook.
- * I have received a copy of the Handbook and agree to the terms within. I understand that the policies, rules, and benefits described in it are subject to change at the sole discretion of the Town at any time without prior notice. I understand that this Handbook replaces and supersedes all other previous handbooks, policies, or guides. In the event that any mandatory language appears in this Handbook, the terms of the disclaimer on the cover of this Handbook shall govern over any such apparently mandatory language so that no contract is created.
- * I understand that my employment is "at-will", which means that it may be terminated at will, either by myself or the Town, regardless of the length of my employment or my performance. This means I can leave the Town at any time with or without notice and with or without cause, and the Town has the same right to end my employment at any time without notice and without cause as long as it acts lawfully.
- * I understand that this Handbook is a not a contract of employment and that no circumstances arising out of my employment can alter my "at-will" employment relationship unless an agreement is set forth in writing and personally signed by the owner of the Town and me. I agree that no employee or officer of the Town other than the Mayor has the authority to change my status as an at-will employee.
- * I am aware that during the course of my employment confidential information may be made available to me. I understand that this information is critical to the success of the Town and must not be disclosed or used outside of the Town's premises or with non-employees. I agree that I may be held liable for damages resulting from my disclosure or unauthorized use of such information. In the event that my employment is terminated, no matter how the termination is caused, I hereby agree not to use, utilize, or disclose this information with or to any other individual or Town.
- * I understand that the Town has adopted the Non-Harassment/Non-Discrimination Policy contained herein, and I agree to abide by its terms.
- * I understand that my signature below indicates that I have received a copy of the Town's Employee Handbook.
- * I understand that my signature below indicates that I have read, understand, and agree to the above statements, and that I have received a copy of the Town's Employee Handbook and agree to the terms of the Handbook.

Employee's Printed Name	Employee's Signature	Date
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(Retain Copy in Personnel File)



TAB 7

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND
RESILIENCY COMMITTEE CHARTER

1. The Kiawah Island Resiliency Committee shall assist the Mayor and Town Council with proactively managing and advising on resiliency and sustainability issues.
2. The Committee shall be comprised of a member of the Town Council and at least six (6), but no more than twelve (12), additional voting members. The Town Council member shall be the chair of the committee. Committee members shall be approved by the Mayor and the Town Council. Member terms shall be for one year and shall expire annually on January 31. The Town Council may reappoint Committee members for successive terms.
3. Committee functions include:
 - Guide the Kiawah community through the implementation of recommendations outlined in the Town's Comprehensive Marsh Management Plan (CMMP) and the 2018 Sea Level Rise Report.
 - Ensure a continuing focus on Go Green initiatives.
 - Promote community awareness and engagement through public education campaigns, community workshops, and collaboration with local organizations and residents.
 - Monitor and evaluate the effectiveness of resilience initiatives by tracking key performance indicators, conducting after-action reviews, and making recommendations for improvements.
 - Study and report on resiliency and/or sustainability issues as may be referred by Town staff, Town Council, or self-generated.
 - Support efforts to maintain a healthy island ecosystem, including ponds, the marsh, and maritime forests.
 - Provide and/or support educational programs to increase public awareness of Kiawah's ecosystems.
 - Explore State, Federal and/or NGO resiliency funding opportunities that could supplement TOKI's resiliency initiatives.
 - Request, review, and selectively approve applications or funding of resiliency initiatives. Approved initiatives will be presented to the Town Council for funding approval.
4. The Committee shall coordinate its efforts, as appropriate, with the activities of County, State and Federal agencies and with other organizations sharing a similar purpose.
5. The Committee will be responsible to the Town Council and has no authority to spend funds or supervise staff except as approved by the Town Council. Annually, the Committee will develop a budget request for Committee activities for review and approval by the Ways and Means Committee and final approval by the Town Council, if applicable.



TAB 8

TOWN COUNCIL

Agenda Item

2024 Board of Zoning Appeals

The Committee members serve three-year terms, which expire on January 31st and are appointed by the Mayor and Town Council.

Frank Cassidy, Chairman (2026)

3rd Term

31 Rhett's Bluff Road
Kiawah Island, SC 29455
Phone: (732) 216-8844
Email: fcassidy@comcast.net

J. Jay Lewis Vice Chair (2027)

3rd Term

114 Bufflehead Drive
Kiawah Island, SC 29455
Phone: (513) 310-2413
Email: RevJJBLewis@gmail.com

***J. Phillip Adams (2028)**

2nd Term

101 Bass Creek Lane
Kiawah Island, SC 29455
Phone: (914) 471-1800
Email: phillipadams47@gmail.com

Ben Farabee (2027)

Last Term

39 Marsh Edge Lane
Kiawah Island, SC 29455
Phone: (843) 243-9861
Email: abfarabee@bellsouth.net

Morris Hanan (2027)

3rd Term

70 Clay Hall
Kiawah Island, SC 29455
Phone: (847) 650-3642
Email: mvhanan@gmail.com

Lin O'Leary (2026)

2nd Term

29 Grey Widgeon Lane
Kiawah Island, SC 29455
Phone: (860) 463-4866
Email: linnieo@me.com

***Laurence (Larry) Rosenfeld (2028)**

3rd Term

99 Jackstay Court
Kiawah Island, SC 29455
Phone: (704) 437-1028
Email: larry@rosenfeldandco.com

John Taylor, Planning Director

Town of Kiawah Island
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455
Phone: (843) 768-9166
Email: jtaylor@kiawahisland.org

Daniel Vincent, Planner 1

Town of Kiawah Island
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455
Phone: (843) 768-9166
Email: dvincent@kiawahisland.org

*** To be reappointed**



TAB 9

TOWN COUNCIL

Agenda Item

**TOWN OF KIAWAH ISLAND
STATE ACCOMMODATIONS TAX COMMITTEE (SATAX) CHARTER**

1. THE SATAX COMMITTEE: (the "Committee") is an advisory committee that shall provide guidance to the Mayor and the Town Council (the "Council") of the Town of Kiawah Island ("Town") in fulfilling the Town's responsibility for expenditure of state accommodation tax funds pursuant to the South Carolina Code of Laws, Title 6, Chapter 4. These funds shall be used by the Town and other qualified organizations as set forth below. These funds are to be used for tourism-related expenditures including promoting and growing tourism; promotion of arts and cultural programs in the community; construction, maintenance and operations of facilities for civic and cultural facilities; providing facilities and services which enhance the ability to attract and provide for tourists; and any other activities specifically referenced or contemplated in section 6-4-10.
2. MEMBERSHIP: The Committee will be chaired by a Town Council member, with the Finance Director's support. They will be non-voting members responsible for organization, administration, scheduling, setting agendas, and funds reporting requirements as set out in Section 6.

The Committee shall be comprised of seven (7) voting members, nominated by the chair and approved by the Mayor and Town Council. Member terms shall be for one year and expire annually on January 31. Committee members may be reappointed for successive terms if nominated and approved by the Mayor and Town Council.

The voting members will consist of a majority selected from the hospitality industry (as defined in Section 6) within the Town, with at least two of these representing the lodging industry. One member represents the cultural organizations of the Town. Two members should represent the interests of the community and reside within the Town.

3. MEETINGS AND QUORUM. The Committee shall meet at least twice per year but may meet more frequently as determined by the Chair or as circumstances dictate. Notice of meetings shall be given to all Committee members and the public seven days prior to the meeting. Meetings of the Committee may be held in person in the Town Hall or by video-conference or other communications equipment, through which all persons participating in the meeting can hear and speak to each other. A majority of the members of the Committee shall constitute a quorum. The act of a majority of the Committee members present at a meeting at which a quorum is present shall be the act of the Committee.
4. AUTHORITY. The Committee's role is advisory. The Finance Director, with the support of the Chair is responsible for preparing the agenda, advertising for applicants, providing complete applications to the Committee and tallying the recommendation scoring that will be provided to the Town Council for amendment and/or approval.
5. KEY RESPONSIBILITIES: The Mayor, the Committee Chair and the Finance Director will determine the total amount of funds for disbursement by the Committee each year and

they may revise the amount of any non-allocated funds, semi-annually as needed. The Mayor and Committee Chair may earmark any amount of funds for the Town municipal facilities, services or programs that qualify for SATAX monies, prior to determining allocations available to non-municipal organizations. The Mayor, the Chair and the Treasurer may limit the maximum funds available for individual applications, setting the same maximum for all applicants.

6. **APPLICATIONS:** The Town Council shall adopt guidelines or requirements for applications for Funds from the special fund for tourism-related activities. The guidelines may be changed at the beginning of each year by the Mayor and Committee Chair. A Committee member may not vote on any proposed application from an organization with which he or she is affiliated.

The Committee shall submit written recommendations for applications at least once per year to the Town Council but may submit recommendations a second time as needed. All applications must be reviewed by the committee and receive a recommendation prior to being sent to the Ways and Means for recommendation to the Town Council for approval.

7. **REPORTING:** The Finance Director shall submit to the SC Tax Expenditure Review Committee:
 - 1) A year-end report detailing advisory committee recommendations
 - 2) The Town's action following the recommendations
 - 3) A listing of how the funds are spent
 - 4) A listing of the Committee members and their industry representation

STATE ATAX APPLICATION REQUIREMENTS FOR THE TOWN OF KIAWAH ISLAND

2025 State Accommodations Tax Grant Application Process

The Town of Kiawah Island will receive applications each year from organizations vying for funding from the Town’s 2% State Accommodations Tax Funds. The applications will be reviewed by the Town’s State Accommodations Tax Committee and qualified applications will be forwarded to the Ways and Means for recommendation to the Town Council with recommendations for funding. There will be at least two windows per calendar year for applicants to apply for funding. Once forwarded, recommendations for funding will be evaluated by the Town Council of Kiawah Island and funding approval may then be granted.

The funding criteria will follow the SC State Code guidelines found in Title 6, Section 4, and be allocated to organizations and events that support, promote, and encourage the growth of tourism and tourism-related activities in the Town and nearby areas. The criteria include:

- Promotion of the arts and cultural events
- Construction, operation, and maintenance of civic and cultural facilities
- Public health and safety services and facilities (percentage related to tourists)
- Public facilities including parking lots, parks, restrooms, etc.
- Beach renourishment and erosion control and repairs
- And other items enumerated in section 6-4-10

Applicants Requirements: The Town encourages and prioritizes applications from organizations located or operating within the Town, with the planned use of funds within the town. However, if funds exist, the Town will consider funding organizations located outside of the town, for qualified projects within or in close proximity to the town.

The SATAX Grant Application and the application deadline may be found here: (appropriate town website link). Once the application is filed, the Town staff will review it for compliance with State laws and the Town of Kiawah Island requirements to determine eligibility. Applicants meeting all the requirements will be asked to present to the Town’s SATAX committee at the subsequent meeting.

Funding grants will be in the form of reimbursements for eligible expenses as incurred.

Application timeline and SATAX meeting schedule for the first half of 2025:

Open Applications	TBD
Application Deadline	TBD
Staff Review	TBD
Applicants notified	TBD
SATAX Presentations	TBD
Town Council review/approval	TBD
Recipient notification	TBD