

**TOWN COUNCIL
SPECIAL CALL MEETING
Kiawah Island Municipal Center
Council Chambers
December 21, 2022; 2:30 pm**

Minutes

I. Call to Order: Mayor Labriola called the meeting to order at 2:30 pm.

II. Roll Call:

Present at Meeting: John D. Labriola, Mayor
John Moffitt, Councilmember
Russell Berner, Councilmember
Brad Belt, Councilmember

Present Via Zoom: Michael Heidingsfelder, Councilmember

Also Present: Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney

Councilmember Belt made a motion to amend the agenda to add Public Comments section before going into Executive Session. Councilmember Heidingsfelder seconded the motion.

Councilmember Belt noted that a Public Comment section is required by Town Ordinance for a standard Town Council meeting but not required for a special call meeting. He suggested that Council consider adding one.

Councilmember Moffitt stated there are two public comment periods on a Town Council agenda. The first is designated for agenda items only, and it would be difficult to assume that anyone will comment on this item without knowing what will be discussed. Following the Executive Session, there would be a subsequent public comment session. This was a special meeting to address a specific issue, not an open discussion about a topic. Because of the specific nature of the executive Session, it was his point of view that a public comment period was unnecessary.

Following the discussion, Mayor Labriola called for a vote on the motion to include the Citizens' Comments item on the agenda. The motion failed with a 3 to 2 vote. Councilmember Moffitt, Councilmember Berner, and Mayor Labriola voted "No."

Councilmember Moffitt made a motion to move into Executive Session to Receive Legal Advice Pursuant to S.C. Code Section 30-4-70(a)(2) Concerning Development Agreements. Councilmember Berner seconded the motion.

Councilmember Belt engaged in an in-depth discussion of the pending motion and the post-executive Session. He stated there are limited instances in which close meetings are permitted under state law. While some topics are appropriate to discuss in Executive Session, they are never required, so it is Council's choice to go into an executive session.

On the specificity of the announcement, he indicated there was only a very general reference to the discussion concerning development agreements. He felt it was important that when going into the Executive Session, the community better understood what would be discussed and encouraged more specificity when announcing the vote.

While not sure that the discussion meets the standard for going into the Executive Session, he would support going into an Executive Session in this particular matter but felt it would be incumbent that once the advice of Counsel had been received, the Council shares with the community what if anything, is planned to do based upon that advice.

Councilmember Berner indicated that not knowing the discussion, he would vote to move into executive Session.

Councilmember Moffitt agreed that a better job should be done on sharing information with the community but felt the decision on what is shared should be made after the executive Session.

Councilmember Heidingsfelder stated that he would agree to go into Executive Session based on what he had read, but would also very much appreciate if the community could be provided some insights about what was discussed and what the next actions would be.

Following the discussion, Mayor Labriola called for a vote on the motion to go into executive Session. The motion was unanimously approved.

III. Executive Session:

A. Executive Session to Receive Legal Advice Pursuant to S.C. Code Section 30-4-70(a)(2) Concerning Development Agreements

Councilmember Moffitt made a motion to return to the Regular Session. Councilmember Berner seconded the motion, and it was unanimously approved.

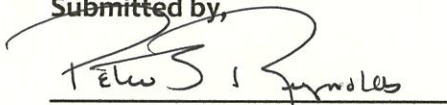
Mayor Labriola stated that during the executive Session, no actions were taken, and no decisions were made. He stated that the discussion was productive, lengthy, and constructive, and the community should be encouraged by the new Council.

Councilmember Belt added that the advice received from Counsel was regarding a wide range of issues related to the Development Agreement with Kiawah Resort Associates that warrant further exploration.

IV. Adjournment:

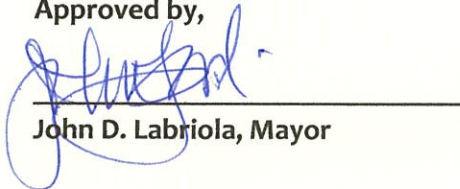
Councilmember Moffitt made a motion to adjourn the meeting at 2:50 pm. Councilmember Belt seconded the motion, and it was unanimously passed.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor

2-10-2023
Date