

**TOWN COUNCIL MEETING**  
**Municipal Center Council Chambers**  
**October 4, 2022; 2:00 PM**

**Minutes**

- I. **Call to Order: Mayor Labriola called the meeting to order at 2:00 pm.**
- II. **Pledge of Allegiance**
- III. **Roll Call:**

**Present at Meeting:** John D. Labriola, *Mayor*  
Dan Prickett, *Mayor Pro Tem*  
John Moffitt, *Councilmember*

**Also Present:** Stephanie Tillerson, *Town Administrator*  
Joe Wilson, *Town Attorney*  
Jim Jordan, *Wildlife Biologist*  
Brian Gottshalk, *Public Work Manager*  
John Taylor, Jr. *Planning Manager*  
Bruce Spicher, *Building Official*  
Tony Elder, *Kiawah Island Community Association*

- IV. **Approval of Minutes:**
  - A. Minutes of the Special Call Town Council Meeting of September 6, 2022

***Mayor Pro Tem Prickett made a motion to approve the Special Call Town Council meeting minutes of September 6, 2022. Councilmember Moffitt seconded the motion, and it was unanimously approved.***

- B. Minutes of the Town Council Meeting of September 6, 2022

***Mayor Pro Tem Prickett made a motion to approve the Town Council meeting minutes of September 6, 2022. Councilmember Moffitt seconded the motion, and it was unanimously approved.***

- V. **Mayor's Update:**

Mayor Labriola stated that everyone's thoughts and prayers were with those affected by the devastating storms last week. It showed the power of nature, the vulnerability of things built, and how quickly things can be drastically changed.

Mayor Labriola commented on the marvelous job done by Ms. Tillerson's and Mr. Elder's staff in preparing the community for the impending storm.

Mr. Jordan reviewed the conditions experienced during the storm from the tide and weather stations. He noted that the island was fortunate the storm went further north and did not see the high tides and flooding expected during the early storm tracking.

Mr. Gottshalk stated that his preparations for the storm included securing the Municipal Center buildings, notifying the debris management and removal trashcans from the beach with the help of Beach Patrol, and communicating with the other beach stakeholders to ensure that they also removed any equipment from the beach.

After the storm passed, he road through the island to assess the beach, noting only a few trees uprooted and minor debris on the beach. Allowing time for homeowners to remove any debris, Carolina Waste was notified that the regular yard debris pickup would be more than normal.

Mr. Spicher stated that the damage assessment team was put on alert while monitoring the storm's track. Following its passing, the team traveled the island performing a windshield inspection looking for any damage, noting very few downed trees and minor debris on the roadways.

Mr. Elder stated that the island was blessed that the storm hit further to the north. Prior to the storm, he noted that all the preparations by the Town, County, and all the entities were textbook. The ponds were significantly dropped in anticipation of the high tides, flooding from heavy rainfall, and storm surge. Pumps were also placed in areas and leisure trails prone to flooding. Following the storm, within the first day, 50 to 70 percent of the cleanup had been completed and was now at 90 percent, including the leisure trails.

**VI. Citizens' Comments (Agenda Items Only):**  
None

**VII. Proclamation:**  
**A. Proclamation Recognizing October 2022 Community Planning Month**

Mr. Taylor stated that the American Planning Association recognizes every October as Community Planning Month. With the Town commencing work in its Comprehensive Plan, he felt it appropriate to recognize the month with a formal proclamation.

**VIII. Old Business:**  
None

**IX. Consent:**  
**A. To Consider Approval of the State ATAX Funding Amounts**

| Town of Kiawah Island<br>SATAX Funding Recommendations<br>September FY 2022-2023 |   |                                   |                            |  |  |   |
|--|---|-----------------------------------|----------------------------|--|--|---|
| Tab #  | Project                                   | Applicant Sponsor                 | 2022/2023<br>Funded Amount | September 2022/2023<br>Application Request | SATAX Committee<br>Funding<br>Recommendation | Ways and Means<br>Committee Funding<br>Recommendation |
| 4  | Destination Marketing & Video Production  | Andell Inn                        | \$ 39,664                  | \$ 30,000                                  | \$ 30,000                                    | \$ 30,000   |
| 5  | Andell Inn Influencer Marketing Campaign  | Andell Inn                        |                            | \$ 30,000                                  | \$ 30,000                                    | \$ 30,000   |
| 6  | Kiawah Island Marketing                   | Kiawah Island Golf Resort         | \$ 475,000                 | \$ 150,000                                 | \$ 141,667                                   | \$ 150,000  |
| 7  | Experiencing the History of Kiawah Island | Eleanor Riesenber                 |                            | \$ 116,000                                 | \$ 8,333                                     | \$ -  |
| 8  | Sea Islands Shorebird Festival            | Town of Kiawah Island             |                            | \$ 20,500                                  | \$ 10,667                                    | \$ 20,500   |
|  | Kiawah Lifeguard Training Equipment       | Charleston County LIF Association | \$ 14,995                  |  |  |   |
|  | Zestis Promotion                          | Overfalls Village                 | \$ 30,000                  |  |  |   |
|  | Tourism Marketing & Advertising           | Overfalls Village                 | \$ 60,000                  |  |  |   |
|  | Beach Patrol Services                     | Town of Kiawah Island             | \$ 400,000                 |  |  |   |
|  | Charleston County Sheriff Services        | Town of Kiawah Island             | \$ 300,000                 |  |  |   |
|  |   | <b>Totals for Year Ending</b>     | <b>\$ 1,235,659</b>        | <b>\$ 346,500</b>                          | <b>\$ 230,667</b>                            | <b>\$ 230,500</b>                                     |

**B. To Consider Approval of the contract with Lou Hammond Group**

**Mayor Pro Tem Prickett made a motion to approve consent items A and B. Councilmember Moffitt seconded the motion.**

Mayor Pro Tem Prickett indicated that on the State ATAX Funding Amounts, the Ways and Means Committee recommended that the Golf Resort, Andell Inn, and the Sea Islands Shorebird Festival be fully funded. The request for Experiencing the History of Kiawah Island not be funded. The Committee

supported the effort but felt it inappropriate for SATAX funding. The total recommended funding amount of \$230,500.00.

*Following the discussion, the motion was unanimously approved.*

**X. New Business:**

- A.** To Consider Approval of **Ordinance 2022-06** - An Ordinance To Amend the Town Of Kiawah Island Municipal Code Chapter 12. – Land Use Planning And Zoning, Article II. – Zoning, Division 2. - Zoning Map/Districts, Section 12-64. – Setbacks. – **First Reading and Public Hearing**

Mr. Taylor indicated that the Town had experienced an increase in the request for generators on the island resulting in additional variance requests based on the location and siting of the generators.

On existing homes, generator stand installation often encroaches into the required side or rear setbacks, necessitating a variance by the Board of Zoning Appeals.

Mr. Taylor stated the text amendment request came as a staff recommendation for administrative relief allowing the Planning Director to make determinations for minimal setback encroachments into a rear or side setback if certain conditions are met. The text amendment was heard by the Planning Commission at the September meeting and was unanimously recommended for approval.

Mr. Taylor presented and reviewed examples of three variance requests for generator stand installations that encroach into a side or rear setback heard by the Board of Zoning Appeals in July 2022. These variance requests were all approved or approved with conditions.

Mr. Taylor reviewed the conditions allowing administrative approval stating the generators would have to meet the requirements of the Kiawah Island Architecture Review Board. Most are encapsulated to help with the sound admitted, adequately screened with vegetation, and obtain the required permits for installation.

**Councilmember Moffitt made a motion to open the Public Hearing for Ordinance 2022-06. Mayor Pro Tem Prickett seconded the motion, and it was unanimously approved.**

No public comments were made.

**Mayor Pro Tem Prickett made a motion to close the Public Hearing for Ordinance 2022-06. Councilmember Moffitt seconded the motion, and it was unanimously approved.**

**Councilmember Moffitt made a motion to approve the first reading of Ordinance 2022-06 to amend the Town Of Kiawah Island Municipal Code Chapter 12. – Land Use Planning And Zoning, Article II. – Zoning, Division 2. - Zoning Map/Districts, Section 12-64. – Setbacks. Mayor Pro Tem Prickett seconded the motion, and it was unanimously approved.**

- B.** To Consider Approval of **Ordinance 2022-07** - An Ordinance To Amend the Town Of Kiawah Island Municipal Code to amend Chapter 8. – Noise Prohibited, Section 15-804. - Decibel Level Prohibitions – **First Reading**

Mr. Taylor stated that during the discussion of the amendment allowing the administrative approval of generator installations, it was noted that the noise ordinance required an amendment to incorporate generators. Therefore, the staff recommendation is that generators be exempt from the noise ordinance.

**Councilmember Moffitt made a motion to approve the first reading of Ordinance 2022-07 to amend the Town Of Kiawah Island Municipal Code to amend Chapter 8. – Noise Prohibited, Section 15-804. - Decibel Level Prohibitions. Mayor Pro Tem Prickett seconded the motion.**

Councilmember Moffitt stated that the inclusion of generators under the exemptions is not subject to the decibel limitations. Not included in the ordinance was a definition of what kind of generators are covered and if there was a need to differentiate the permanently installed home generator from the portable/temporary generator. Staff was asked to research the question for the second reading.

**Following the discussion, the motion was unanimously approved.**

**C. To Consider Approval of Resolution 2022-03 - To adopt International Building Codes**

Mr. Spicher stated that Building Codes are adopted in three-year cycles. The new code cycle begins January 1, 2023, when the 2021 series of building codes will become effective. Therefore, for the Town to remain in state compliance with the code adoption cycle, the approval of Resolution 2022-03 will formally adopt the 2021 Building Code series, the 2020 National Electric Code, and the 2009 International Energy Code.

**Mayor Pro Tem Prickett made a motion to approve Resolution 2022-03 to adopt the International Building Codes. Councilmember Moffitt seconded the motion, and it was unanimously approved.**

**D. To Consider Approval of Ordinance 2022-08 - To Amend the Town of Kiawah Island Municipal Code Article 9. – Buildings and Building Codes, Chapter 3. – Building and Technical Codes – First Reading**

Mr. Spicher stated that along with the Kiawah Island green initiative, he proposes adopting two new codes: the 2021 International Energy Code Provisions and the 2021 International Green Construction Code in the current code cycle. Adopting the codes would afford staff, designers, and contractors a better understanding of the requirements when implementing green construction in their designs and construction methodologies.

**Councilmember Moffitt made a motion to approve the first reading of Ordinance 2022-08 to amend the Town of Kiawah Island Municipal Code Article 9. – Buildings and Building Codes, Chapter 3. – Building and Technical Codes. Mayor Pro Tem Prickett seconded the motion, and it was unanimously approved.**

**E. Employee Health Insurance Discussion**

Ms. Szubert stated that the Town offers its full-time employee's health insurance benefits through the S.C. Public Employee Benefit Authority (PEBA). PEBA rates include a portion paid by the employee and a portion paid by the employer, and for 2023, the employer portion is increasing by 18 percent.

In the past, the Town provided a subsidy equal to the cost of single coverage. As a result, employees with single coverage were provided insurance at no cost, with the subsidy also applied to other coverage.

In 2020 Council eliminated the subsidy implementing a structure in which the employee pays 20 percent of the total rate for the selected coverage, and the Town pays the remaining 80 percent. However, with the current rate increase, 20 percent of the single coverage rate would exceed the PEBA rate portion to be paid by the employee. Therefore, staff requests that Council consider an adjustment of the structure percentages to keep the single coverage rate below the PEBA rate portion.

Council members engaged in an in-depth discussion of the rate adjustment request clarifying the PEBA rate structure. Ms. Szubert asked that Council consider the adjustment at the November meeting since the new rates take effect on January 1, 2023. Councilmember Moffitt agreed to work with Ms. Szubert and Ms. Tillerson on providing a better clarification of the PEBA rate structure and the requested adjustment.

**XI. Town Administrator's Report:**

Mr. Spicher stated that on an annual basis, recommendations are made to update the Hazard Mitigation Manual. The presented document is a summary of the update for the current year; the complete manual is available for review on the website. The annual process requires that Council is formally notified of the updates along with all the jurisdictions that make up the Hazard Mitigation Plan and a requirement by FEMA (Federal Emergency Management Agency) under the Community Rating System.

Mr. Gottshalk updated the Kestral Court project, stating that the construction was completed. He stated that he was just notified that the new compactor units scheduled to be delivered in September had now been delayed until December. The old units will be reinstalled to provide service until the new units are delivered.

**XII. Council Member:**

- a. Committee Updates
- b. General Comments

Mayor Pro Tem Prickett stated that a response from Charleston County was expected by the end of September on which alternative had been selected for Segment C. The response was not received, and a request was made to provide any update available. He reviewed the improvements the Town proposed for consideration. Once the recommended alternative is selected, public comments will be allowed.

Ms. Tillerson stated that on October 19<sup>th</sup>, Ms. Jenny Honeycutt, along with Charleston County staff, would be holding a Town Hall meeting at the Municipal Center at 3:00 pm to provide an update on the project.

Mayor Pro Tem Prickett wanted to acknowledge that the Kiawah Conservancy is in its 25-year celebration. The Conservancy has worked long and hard with the Town to preserve many things important to the island, the beaches, the marsh, the maritime forest, and the wildlife. Each year the Town approves in its budget funding for Conservancy projects.

**XIII. Citizens' Comments:**

**Muara McIlvain – 146 Blue Heron Pond Road**

Ms. McIlvain stated that during the summer, several traffic studies were done inside the main gate and asked if there was a report or data from the studies.

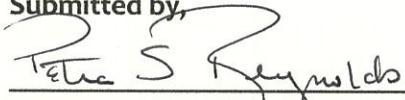
In addition to the previous Administrator's Report, Mr. Taylor gave an update on the Comprehensive Plan stating that work would begin at the end of October with a kick-off meeting.

Mr. Taylor stated that the recommendations for the Marsh Management Plan would be sent to the Planning Commission for review after a final presentation of the materials to the Town Council.

**XIV. Adjournment:**

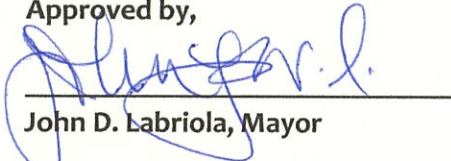
*Mayor Pro Tem Prickett made a motion to adjourn the meeting at 2:56 pm. Councilmember Moffitt seconded the motion, and it was unanimously passed.*

**Submitted by,**



**Petra S. Reynolds, Town Clerk**

**Approved by,**



**John D. Labriola, Mayor**

**11/8/22**

**Date**