



Town of *Kiawah Island*

Mayor

John. D. Labriola

Council Members

F. Daniel Prickett

Vacant

John Moffitt

Vacant

Town Administrator

Stephanie Monroe Tillerson

TOWN COUNCIL MEETING

Municipal Center Council Chambers

October 4, 2022; 2:00 PM

AGENDA

- I. Call to Order:
- II. Pledge of Allegiance
- III. Roll Call:
- IV. Approval of Minutes:
 - A. Minutes of the Special Call Town Council Meeting of September 6, 2022 [Tab 1]
 - B. Minutes of the Town Council Meeting of September 6, 2022 [Tab 2]
- V. Mayor's Update:
- VI. Citizens' Comments (Agenda Items Only):
- VII. Proclamation:
 - A. Proclamation Recognizing October 2022 Community Planning Month [Tab 3]
- VIII. Old Business:
- IX. Consent:
 - A. To Consider Approval of the State ATAX Funding Amounts [Tab 4]
 - B. To Consider Approval of the contract with Lou Hammond Group [Tab 5]
- 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** [Tab 6]
 - 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** [Tab 7]
 - C. To Consider Approval of **Resolution 2022-03** - To adopt International Building Codes [Tab 8]
 - 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** [Tab 9]
 - E. Employee Health Insurance Discussion [Tab 10]
- XI. Town Administrator's Report:
- XII. Council Member:
 - a. Committee Updates
 - b. General Comments
- XIII. Citizens' Comments:
- XIV. Adjournment:



TAB 1

TOWN COUNCIL

Agenda Item

**TOWN COUNCIL
SPECIAL CALL MEETING
Municipal Center Council Chambers
September 6, 2022; 12:30 pm**

Minutes

I. Call to Order: Mayor Labriola called the meeting to order at 12:30 p.m.

Present at Meeting:

John D. Labriola, Mayor
Dan Prickett, Mayor Pro Tem
Maryanne Connelly, Councilmember
John Moffitt, Councilmember

Also Present:

Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney
Michael Sosnowski, Short-Term Rental Code Enforcement
Pieter DeVries, ESPM Vacation Rentals
Crystal Googe, ESPM Vacation Rentals

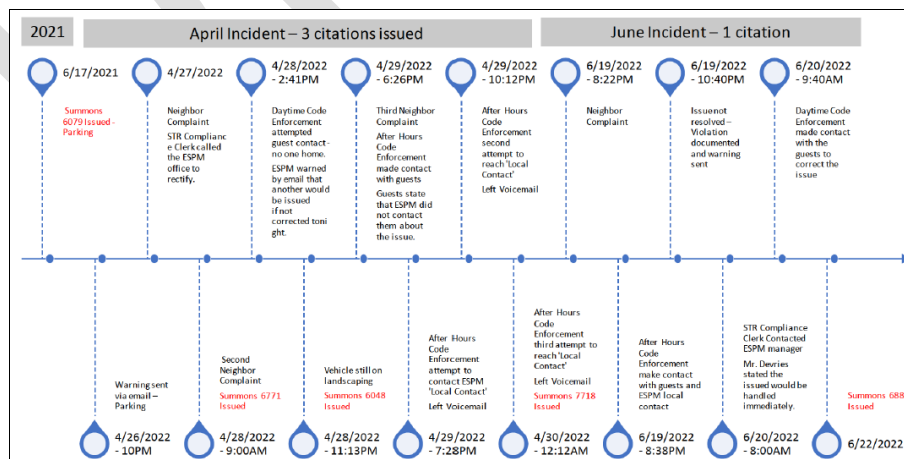
II. New Business:

A. Business License Revocation Hearing for 107 Goldeneye Drive

Mr. Sosnowski presented as evidence, photographs, and timelines detailing incident reports, email exchanges, and citations issued for violations of the Town's Short-Term Rental (STR) Ordinance in the July 2022 to July 2023 rolling 12 months.

Mr. Sosnowski stated the citations issued at 107 Goldeneye Drive were for violations of Section 14-505(d)(1) states that *Vehicles may only be parked on permanent paved or gravel parking surfaces, as approved by the Town or other entity having jurisdiction. Parking on grass or landscaped areas is prohibited at all times.* The property was allowed five (5) vehicles to be parked in the driveway.

Mr. Sosnowski reviewed, in detail, a timeline of the April and June 2022 incidents:



Mr. Sosnowski noted that for the April incident, two citations were written for *parking and driveway* violations. After unsuccessful attempts to reach the local contact, one citation was written for *local contact* violation. One citation was written for parking and driveway violations in the June incidents.

Mr. Sosnowski stated that three of the four citation bonds were paid before the court date, and the last citation was tried in absentia, with the judge issuing a guilty verdict. The revocation letter was written following the

Mr. DeVries and Ms. Google spoke on behalf of ESPM Vacation Rentals and Mr. & Mrs. Clark, the property owners. Ms. Google read a statement from Ms. Clark, in which Ms. Clark outlined improvement plans along with ESPM's closer management and communication to each guest that would alleviate the issues experienced earlier in the year. Mr. DeVries reviewed the appeal the Clarks submitted, outlining the processes that would be implemented and the challenges encountered with the property driveway and renter compliance.

Councilmembers engaged in an in-depth discussion of suggested penalties which included limiting the number of vehicles allowed to three for some period of time and with the numerous chances given that the license should be revoked.

Councilmember Moffitt made a motion to revoke the business license for a one-year period per the Town's ordinance. Councilmember Connelly seconded the motion.

Following further discussion, the motion failed with a split vote, with Councilmembers Connelly voting "yes" and Mayor Labriola and Mayor Pro Tem Prickett voting "no."

Mayor Pro Tem Prickett made a motion to limit the number of overnight vehicles allowed to park at the property from a period of one year to three. Mayor Labriola seconded the motion.

Following further discussion, Mayor Pro Tem Prickett amended his motion to include that the business license would be revoked if another violation occurred within 90 days.

At the request of Councilmember Moffitt, Mayor Pro Tem Prickett withdrew his motion.

Councilmember Moffitt made a motion not to revoke the business license for a period of six months. Council Member Connelly seconded the motion, and it was unanimously passed.

Following further discussion, Council agreed to have the revocation take effect on October 1, 2022.

III. Adjournment:

Councilmember Connelly made a motion to adjourn the meeting at 1:07 pm. Councilmember Moffitt seconded the motion, and it was unanimously passed.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

John D. Labriola, Mayor

Date



TAB 2

TOWN COUNCIL

Agenda Item

TOWN COUNCIL MEETING
Municipal Center Council Chambers
September 6, 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
Maryanne Connelly, Councilmember
John Moffitt, Councilmember

Also Present: Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney
John Taylor, Jr. Planning Manager
Brian Gottshalk, Public Works Manager
Craig Harris, Public Safety Director
Chris Makowski, Communications Manager

IV. Approval of Minutes:

A. Minutes of the Special Call Town Council Meeting of August 2, 2022

Mayor Pro Tem Prickett made a motion to approve the Special Call Town Council meeting minutes of August 2, 2022. Councilmember Connelly seconded the motion.

Following Councilmember Moffitt pointing out an error, the minutes were unanimously approved as amended.

B. Minutes of the Town Council Meeting of August 2, 2022

Councilmember Connelly made a motion to approve the Town Council meeting minutes of August 2, 2022. Councilmember Moffitt seconded the motion, and it was unanimously approved.

V. Mayor's Update:

Mayor Labriola stated that through September, interested residents of Kiawah could submit their candidacy for the Town Council election in December. Three seats are available, two (2) four-year terms and one (1) one-year term.

Mayor Labriola reported that work on the Kimley Horn study of the intersection of the Parkway and Beachwalker Drive announced last month had begun. The hope is that the work will be completed and a report submitted in the next two months. He also noted that work on the Comprehensive Plan to begin by the end of September.

Mayor Labriola reviewed some important dates:

- September 8th – groundbreaking for the new MUSC emergency facility.
- October 5th – Planning Commission meeting to consider the application for preliminary site approval of the Beachwalker project.

- October 10th – Charleston County Planning Commission meeting to consider the full Planned Development application for the Andell West project.

Councilmember Connelly stated that this would be her last meeting as a member of the Town Council since she would be moving to Seabrook. After serving four years, she reviewed her involvement with the alligator study, bobcat rodenticide study, and shark studies that were done; dealing with hurricanes, tropical storms, sea level rise, marsh management, landscaping, single-use plastics, development agreements, market analysis, Parcel 13, The Cape, The Timbers, and annexation. With her primary responsibility in Public Safety, she saw the Certified Emergency Response Team become operational, all the firefighters certified as EMTs, full-time sheriff coverage since 2019, bike patrol, Beach Patrol received DHEC certification, and most importantly, getting an ambulance stationed on the island significantly reducing response times. She also spoke about dealing with COVID and establishing the 24-hour hotline for compliance officers and beach regulations. She noted the Town was fortunate to have a diverse group of professionals living on the island and willing to serve and complimented the Town's staff.

Before leaving, Councilmember Connelly recommended that the Town looks at creating its own Police Department and creating the position of a Wildlife Officer. She also said she enjoyed her work for the Town and would miss it and the people.

VI. Citizens' Comments (Agenda Items Only):

Mr. Ryan Kennedy, founder and owner of Water Dog Paddle Company

Mr. Kennedy stated that as a Kiawah/Seabrook native, he has worked for ten years serving the residents and families as a kayak, paddle board, and eco company, providing a fun and educational nature experience.

Mr. Kennedy stated that he was willing to work with the Town on a solution that would not remove his company's access to the Kiawah River and continue his service as a favorite vacation activity.

VII. Old Business:

A. To Consider Approval of *Ordinance 2022-05* - An Ordinance To Amend The Town Of Kiawah Island Municipal Code Article 13 - Traffic Control, Section 13-103 - Parking Prohibited - *Second and Final Reading*

Mr. Harris stated that further consideration was given to the complex issues of commercial loading and unloading and public access to the Kiawah River. He noted that the access was originally designed for public parking to prevent fishing from the bridge and not for commercial use. Also, the addition of designated commercial parking does not restrict what company is allowed to use the parking, which may create an issue.

Ms. Tillerson added the change in the ordinance from the first reading was the elimination of designated commercial parking. The public safety concern is that allowing commercial activity along that area of the Parkway would draw more people exiting and entering vehicles in a location with moving traffic. She noted one option would be working with the Community Association on an agreement for a location behind the gate.

Mayor Labriola expressed his concern about safety overall along the Parkway and asked that speed limits on the Parkway are looked at.

Mr. Kennedy stated that the Community Association only allows access to one commercial company annually and is currently held by Tidal Trails. Removing commercial activity on the

Parkway threatens his livelihood, and he would be willing to work with the Town to find a way to continue servicing his clients.

David DeStefano – 31 Burrows Hall Road

Mr. DeStefano clarified that the Community Association access contract is to serve people on the island and does not allow a company to bring customers from off-island without a pass.

Mayor Pro Tem Prickett made a motion to approve the amendment of Ordinance 2022-05 - An Ordinance To Amend The Town Of Kiawah Island Municipal Code Article 13 - Traffic Control, Section 13-103 - Parking Prohibited. Councilmember Moffitt seconded the motion, and it was unanimously approved.

Councilmember Connelly made a motion to approve the second and final reading of Ordinance 2022-05 - An Ordinance To Amend The Town Of Kiawah Island Municipal Code Article 13 - Traffic Control, Section 13-103 - Parking Prohibited as amended. Councilmember Moffitt seconded the motion, and it was unanimously approved.

VIII. Consent:

A. To Consider Approval of the Proposal to Conduct a Performing Arts Center Feasibility Study

Mayor Labriola stated that the Ways and Means Committee reviewed the proposal and supported the additional funding.

Ms. Foster stated that in July 2022, the Town issued an RFP seeking the services of a qualified consulting firm to conduct a comprehensive study to determine the feasibility of creating a Performing Arts and Cultural Center. A selection committee evaluated the nine submitted proposals and narrowed their selection to four firms. After further consideration, the committee recommended Webb Management Services conduct the study due to their past experiences with various governments, arts, and community organizations.

AMS	\$85,750
Johnson Consulting	\$67,500
Theatre Projects Consultants Inc.	\$79,738
Webb Management Services	\$77,500

The proposal from Webb Management Services is outlined to meet the unique needs outlined in the Town’s RFP, offering a hands-on and community approach. The project scope is broken up into two phases: phase one focuses on assessment, and phase two focuses on concept development. Webb Management Services is highly rated by its references, with a unique pattern of continuous partnership among its clients. The selection committee is confident they will provide comprehensive service to the Town.

The town staff recommends the approval of the proposal from Webb Management Service at the cost of \$77,500.00. Fifty Thousand (\$50,000) was budgeted in the Arts Council Fund, leaving a balance of \$27,500.

Councilmember Connelly stated that the Arts Council events are well attended and frequently sold out. She reviewed the recent challenges in venue availability and the increasing cost of equipment rentals.

Mayor Pro Tem described his involvement with the City of Charlotte when they engaged in a similar venture to fund and operate several cultural centers in the city and the lessons learned while analyzing complex questions.

Mayor Labriola stated the subject, which has been around for many years, is not so much a question of the events but a maturation of the community and the level of interest in having a venue on the island compared to traveling to the city, and if Town staff is willing to accept a new business line.

Councilmember Connelly made a motion to approve the proposal from Webb Management Services to conduct a Performing Arts Center Feasibility Study. Mayor Pro Tem Prickett seconded the motion, and it was unanimously approved.

IX. New Business:

A. To Consider Approval of the Purchase of a New Wildlife Truck

The Town of Kiawah Island provides town vehicles for staff whose job responsibilities require them to perform field work regularly. The Wildlife Department is seeking to add another vehicle due to the growing demands of field calls and daily operations.

Town staff publicly posted an RFP to solicit quotes for a new Toyota Tacoma for the Wildlife Department. In addition to the posted RFP, town staff personally contacted three dealerships to solicit quotes. Fred Anderson Toyota was the only company to respond with a bid, which came back at \$47,546.00 within the budgeted amount.

Councilmember Moffitt made a motion to approve the purchase of a new Toyota Tacoma from Fred Anderson Toyota. Councilmember Connelly seconded the motion, and it was unanimously approved.

X. Executive Session:

A. Executive Session to Receive Legal Advice Pursuant to S.C. Code Section 30-4-70(a)(2) Concerning Development Agreement and the Appeal of the Planning Commission Decision - No Action Will be Taken

Mayor Pro Tem Prickett made a motion to move into Executive Session to receive legal advice pursuant to S.C. Code Section 30-4-70(a)(2) concerning the Development Agreement and the appeal of the Planning Commission decision. Councilmember Moffitt seconded the motion, and it was unanimously approved.

Mayor Pro Tem Prickett made a motion to move into Regular Session. Councilmember Connelly seconded the motion, and it was unanimously approved.

Mayor Labriola stated that during the Executive Session, no decisions were made, and no actions were taken.

XI. Town Administrator's Report:

Ms. Tillerson reported that the developer of the proposed storage facility in Andell West hosted a charette at Town Hall, but the Town had received no application.

XII. Council Member:

- a. Committee Updates
- b. General Comments

None

XIII. Citizens' Comments:

David DeStefano – 31 Burrows Hall Road

Mr. DeStefano reported that at the Community Association Safety and enforcement meeting, praise was given for how the various community entities worked during the president's visit.

Mr. DeStefano reviewed his previous concerns with the short-term rentals as the number of individuals allowed in a rental is two per bedroom plus two.

Mr. DeStefano questioned the lack of progress on the Kestral Court project. Ms. Tillerson indicated that a stop work order by the Community Association halted the progress, but the issues have been addressed, and hopefully, the approval will allow work to continue.

Brad Belt - 151 Bobcat Lane

Mr. Belt expressed the community's concern with the Council's overuse of Executive Sessions. He noted that it was the fourth Council meeting this year to have an executive session and one at a Planning Commission meeting. He stated that each contained matters of interest to the community, and he felt the repeated use of the executive session function breeds distrust when there is no discussion before or after the session on the nature of the conversation.

XIV. Adjournment:

Mayor Pro Tem Prickett made a motion to adjourn the meeting at 3:56 pm. Councilmember Connelly seconded the motion, and it was unanimously passed.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

John D. Labriola, Mayor

Date



TAB 3

TOWN COUNCIL

Agenda Item



Town of Kiawah Island Proclamation

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans help manage this change in a way that provides better choices for how people live, work and play; and

WHEREAS, Kiawah Island is an esteemed community as a result of quality planning decisions over time; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to quality of life and how planners can lead communities to equitable, resilient and sustainable; and

WHEREAS, the celebration of National Community Planning Month gives Kiawah the opportunity to publicly recognize the participation and dedication of the members of Planning Commission and other citizen planners who have contributed their time and expertise to the improvement of the Town of Kiawah Island; and

WHEREAS, we recognize the many valuable contributions made by professionals and volunteers of the Town of Kiawah Island and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, I, John D. Labriola, Mayor of the Town of Kiawah Island, do hereby proclaim the month of **October 2022** as,

“COMMUNITY PLANNING MONTH”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Kiawah Island South Carolina to be affixed here this 4th day of October 2022.



John D. Labriola, Mayor
Town of Kiawah Island, South Carolina



TAB 4

TOWN COUNCIL

Agenda Item

Town of Kiawah Island SATAX Funding Recomenenations September FY 2022-2023						
Tab #	Project	Applicant Sponsor	2022/2023 Funded Amount	September 2022/2023 Application Request	SATAX Committee Funding Recommendation	Ways and Means Committee Funding Recommendation
4	Destination Marketing & Video Production	Andell Inn	\$ 89,664	\$ 30,000	\$ 30,000	
5	Andell Inn Influencer Marketing Campaign	Andell Inn		\$ 30,000	\$ 30,000	
6	Kiawah Island Marketing	Kiawah Island Golf Resort	\$ 475,000	\$ 150,000	\$ 141,667	
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	
	Kiawah Lifeguard Training Equipment	Charleston County Life Association	\$ 14,058			
	Events Promotion	Freshfields Village	\$ 30,000			
	Tourism Marketing & Advertising	Freshfields Village	\$ 60,000			
	Beach Patrol Services	Town of Kiawah Island	\$ 467,200			
	Charleston County Sheriff Deputies	Town of Kiawah Island	\$ 700,000			
		Totals for Year Ending	\$ 1,835,922	\$ 346,500	\$ 220,667	

Total Available for Funding

\$ 2,400,000 \$ 1,000,000 \$ 1,000,000

Total in excess of Funding

\$ 564,078 \$ 653,500 \$ 779,333 \$ -

State Gudelines for each category:

Tourism-related expenditures include:

- 1 advertising and promotion of tourism so as to develop and increase tourist attendance through the generation of publicity
- 2 promotion of the arts and cultural events
- 3 construction, maintenance, and operation of facilities for civic and cultural activities including construction and maintenance of access and other nearby roads and utilities for the facilities
- 4 the criminal justice system, law enforcement, fire protection, solid waste collection, and health facilities when required to serve tourists and tourist facilities. This is based on the estimated percentage of costs directly attributed to tourists
- 5 public facilities such as restrooms, dressing rooms, parks, and parking lots
- 6 tourist shuttle transportation
- 7 control and repair of waterfront erosion
- 8 operating visitor information centers



TAB 5

TOWN COUNCIL

Agenda Item



REQUEST FOR TOWN COUNCIL ACTION

TO: Mayor and Town Council Members

FROM: Chris Makowski, Communications Manager

SUBJECT: Request for a Approval of Contract Extension with Lou Hammond Group

DATE: October 4, 2022

BACKGROUND: In June 2022, Town Council approved a 3-month contract with Lou Hammond Group to provide consulting services for the Town and its Communications Department. With the 3-month contract ending on September 27, 2022, The Communications Department would like to continue our partnership with Lou Hammond Group.

ANALYSIS: Over the last three months, the LHG worked with the Town's Communications team on pushing out communication materials related to The Cape, Capt. Sams Spit, the Development Agreement, Arts Council RFP, Andell West, and other communication topics that arose during the three-month period they were under contract. In addition to the communication materials, they also worked with the Communications team on the Development Resource Page (DRP) on the Town's website. The DRP has been a great resource to the community. The Town continues to update it as necessary.

In addition, according to the three-month contract with LHG, they worked with the Communications team to develop a twelve-month Strategic Communications plan (see attached).

Moving forward, the Communications team would like the opportunity to continue its working relationship for an additional nine months with LHG on the Strategic Communications Plan and other communication needs that might come up over the next nine months.

ACTION REQUESTED: Staff requests that Town Council approve the nine-month contract extension with Lou Hammond Group for \$67,500 beginning October 1, 2022 – June 30, 2023.

BUDGET & FINANCIAL DATA: The cost will come out of the Town's General Fund Budget – Contingency Account



address: 145 King Street, Suite 411 | Charleston, SC 29401
phone: 843.722.8880 web: louhammond.com

September 19, 2022

John D. Labriola
Mayor
Town of Kiawah Island
4475 Betsy Kerrison Parkway
Kiawah Island, South Carolina 29455

Dear John:

This letter, when signed by you, will confirm that the Town of Kiawah Island will retain Lou Hammond Group (LHG) for a communications consulting per the scope below for 9 months beginning October 1, 2022 through June 30, 2023.

Communications Consulting (9 months): \$7,500/month

- Communications consulting
 - Assist in fulfilling recommendations from Strategic Communications Plan (delivered September 2022)
 - Includes: Town of Kiawah Island message house, audience-specific key messages and talking points, updating frequently asked questions and development resource page, creation of an annual communications content calendar, proactive message development, community relations, social media monitoring, etc.
- Manage media relations
 - Development, update of press kit
 - Creation of proactive PR campaign, initial focus on driving sustainability messaging to local media and manage upcoming project announcements
- Crisis management planning
- Copywriting
- Attend organizational meetings, as appropriate

In addition, you will be billed for reimbursement at cost for staff travel/mileage. Any other expenses will be presented to you in advance for review prior to incurring the expense on your behalf. All monies are payable upon receipt of invoice.

Please indicate your agreement in the space below and return one copy to us for our records.

You have our assurance of our best efforts on your behalf.

Sincerely,

LOU HAMMOND GROUP

Stephen Hammond
CEO

AGREED: _____



TAB 6

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND

ORDINANCE 2022-06

**AN ORDINANCE TO AMEND CHAPTER 12 – LAND USE PLANNING AND ZONING -
ARTICLE II. – ZONING - DIVISION 2. ZONING MAP/DISTRICTS SECTION 12.64. –
SETBACKS.**

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, Sec. 12- 64. Setbacks* to provide administrative relief for minimally encroaching generator stands into setbacks which meet certain conditions; 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 September 7, 2022, 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 October 4, 2022, 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. Article II. Zoning Division 2. Zoning Map/Districts. Section 12-64. Setbacks.

Section 2 **Ordinance**

The Town hereby amends Section 12-64. as shown 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 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 _____, 2022.

John Labriola, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: October 4, 2022

2nd Reading:

Sec. 12-64. Setbacks.

Setback means a required minimum distance from the lot line, or street right-of-way, or OCRM critical line that establishes an area within which a structure shall be erected.

- (1) *Contextual setbacks.* Notwithstanding the front setback requirements of the underlying zoning district, the front building line of any structure or addition to a structure may be as close to the street as the front building line of a structure located on any lot that is immediately adjacent to the subject lot. If the subject lot is located between two developed lots, the front building line of the structure that is set back further from the street shall apply to the subject lot.
- (2) *Setbacks on corner and double frontage lots.* On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principle structure's front main entrance. The side yard setback shall apply to the remaining side(s).
- (3) *Exception to setbacks.* Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this subsection.

Driveways and walkways may be located within any required setback.

Uncovered stairs or stair landings to building entrances may extend up to five feet into any required setback.

Uncovered, at-grade patios may extend into a required setback; however, they shall maintain a minimum ten-foot distance from the property line.

Uncovered decks may extend up to five feet into any required rear yard setback.

Sills, belt courses, cornices, buttresses, eaves and other architectural features may extend up to two feet into any required setback.

Walls and retaining walls below three feet in height may be located within required setback.

- (4) HVAC Equipment. In all zoning districts heating, ventilation and air conditioning (HVAC) equipment and associated HVAC stands may extend up to five feet into required side or rear setbacks only when all of the following conditions are met:

- ~~(1)~~ a. — The HVAC equipment is replacing existing HVAC equipment which was originally placed below an existing structure and/or which HVAC equipment being replaced is now required to be elevated to meet the requirements of the Federal Emergency Management Agency (FEMA) and the Town of Kiawah Island Building Code;
- b. ~~(2)~~ — Such HVAC equipment cannot reasonably be accommodated in compliance within the setback required by otherwise applicable zoning requirements;
- ~~(3)~~ c. The property owner has, through regular mail postmarked no later than five days in advance of applying for a Zoning Permit, notified the affected adjacent property owner(s) that are adjacent to the property line where the proposed HVAC equipment will be located, and has submitted to the Planning Director a signed affidavit stating that such property owner has notified the affected adjacent property owner(s) and proving each name and address to which notice was sent; and
- ~~(4)~~ d. A Zoning Permit is approved by the Planning Director.

- (5) Generators. In all zoning districts generators and generator stands may extend up to five feet into required side or rear setbacks only when all of the following conditions are met:

- a. The proposed generator stand is being proposed for an existing home permitted prior to November 1, 2022. Generator stands installed at the time of new construction must meet required setbacks.
- b. The generator cannot reasonably be accommodated in compliance with the setback required by otherwise applicable zoning requirements;
- c. The generator is located to not impede emergency access;
- d. The property owner has, through regular mail postmarked no later than five days in advance of applying for a Zoning Permit, notified the affected adjacent property owner(s) that are adjacent to the property line where the proposed generator will be located, and has submitted to the Planning Director a signed affidavit stating that such property owner has notified the affected adjacent property owner(s) and proving each name and address to which notice was sent;
- e. The generator stand is set back a distance of not less than ten feet from the adjacent side or rear property line;
- f. The generator stand is adequately screened with plantings as determined by the Planning Director; and
- g. A Zoning Permit is approved by the Planning Director.

(Code 1993, § 12A-204; Ord. No. 2005-08, § 12A-204, 10-12-2005; Ord. No. 2012-03, § 2, 4-3-2012; Ord. No. 2015-04, § 2, 4-14-2015)

Town of Kiawah Island Town Council

Town of Kiawah Island Municipal Center
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455

October 4, 2022



GENERATOR INSTALLATIONS

Case#
AZO22-000003

Town of Kiawah Island

Zoning Text Amendment Applications

Case# AZO22-000003

Planning Commission Meeting: August 3, 2022 (decision tabled)

Planning Commission Meeting: September 7, 2022

Planning Commission Recommends Approval by a vote of 7-0

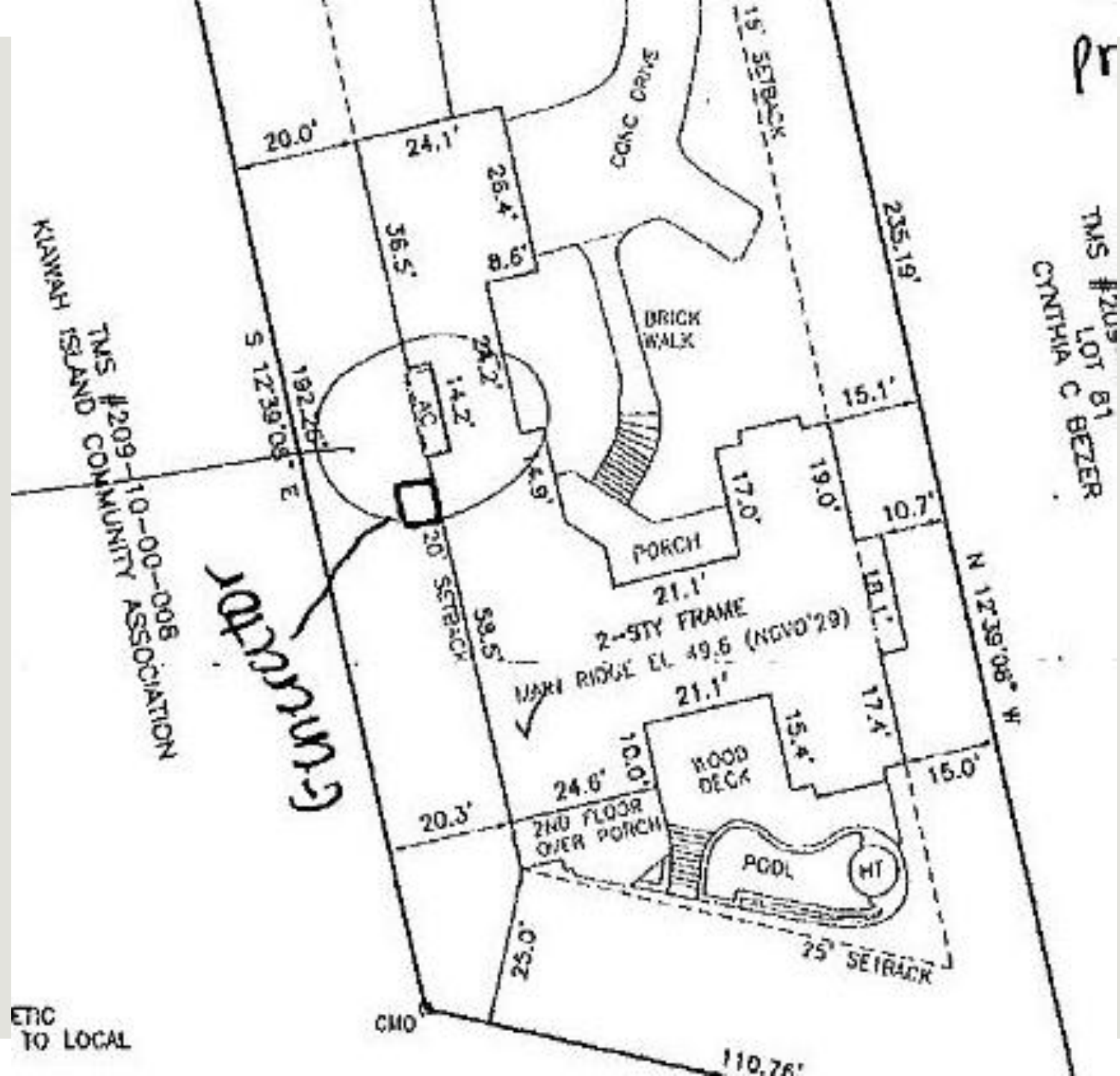
Public Hearing and First Reading: October 4, 2022

Second Reading:

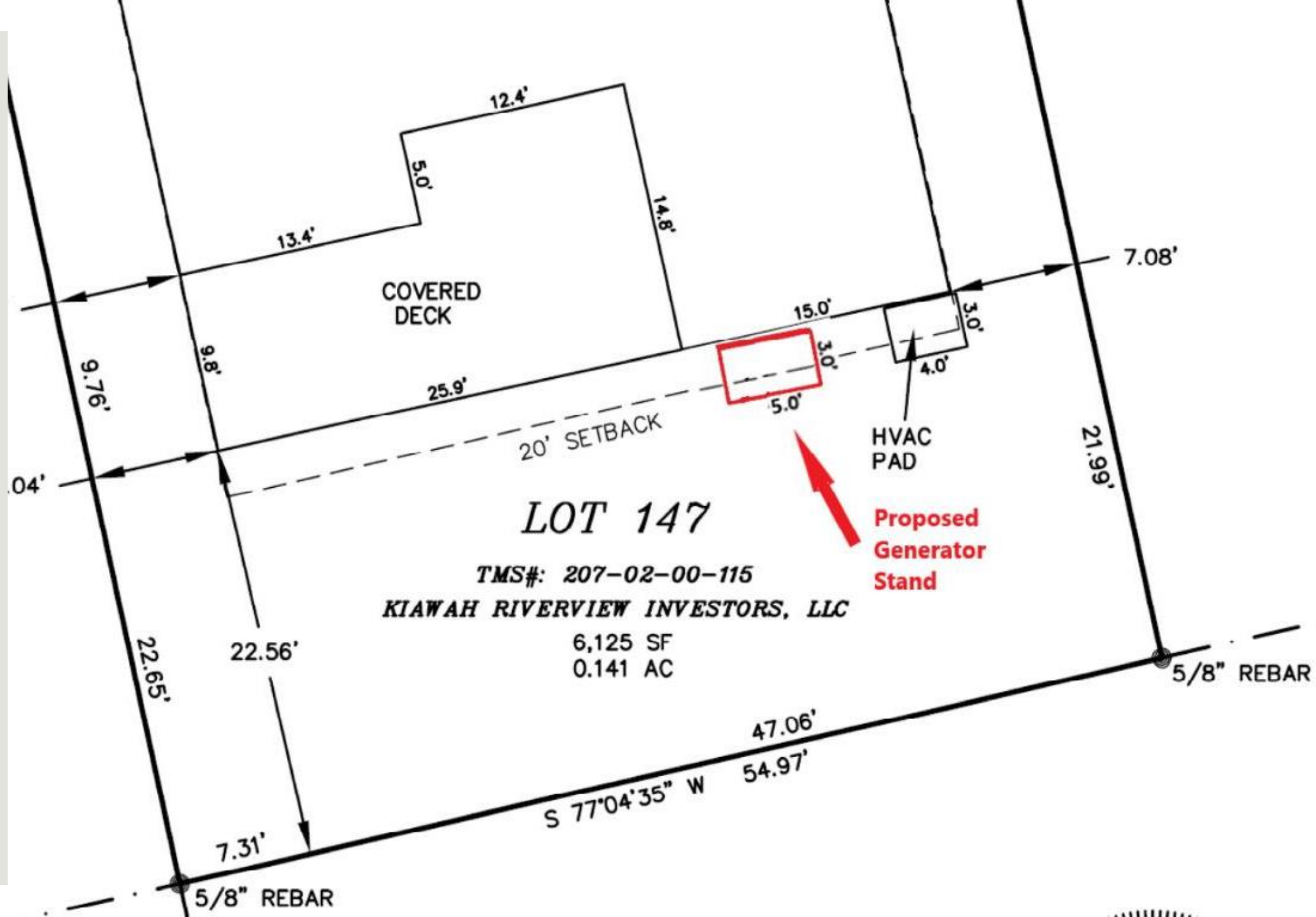
Generator & HVAC Stand

Approved Generator Permits	
2019	13
2020	17
2021	30
2022 (Jan - May)	14

Board of Zoning Appeals Variances (July 2022)		
Setback	Encroachment	Generator Stand Size
Side (20')	63 sqft (6' into side setback)	(6'x10.5')
Side (20')	15 sqft (3' into side setback)	(3'x5')
Rear (20')	7 sqft (30" into rear setback)	(3'x5')

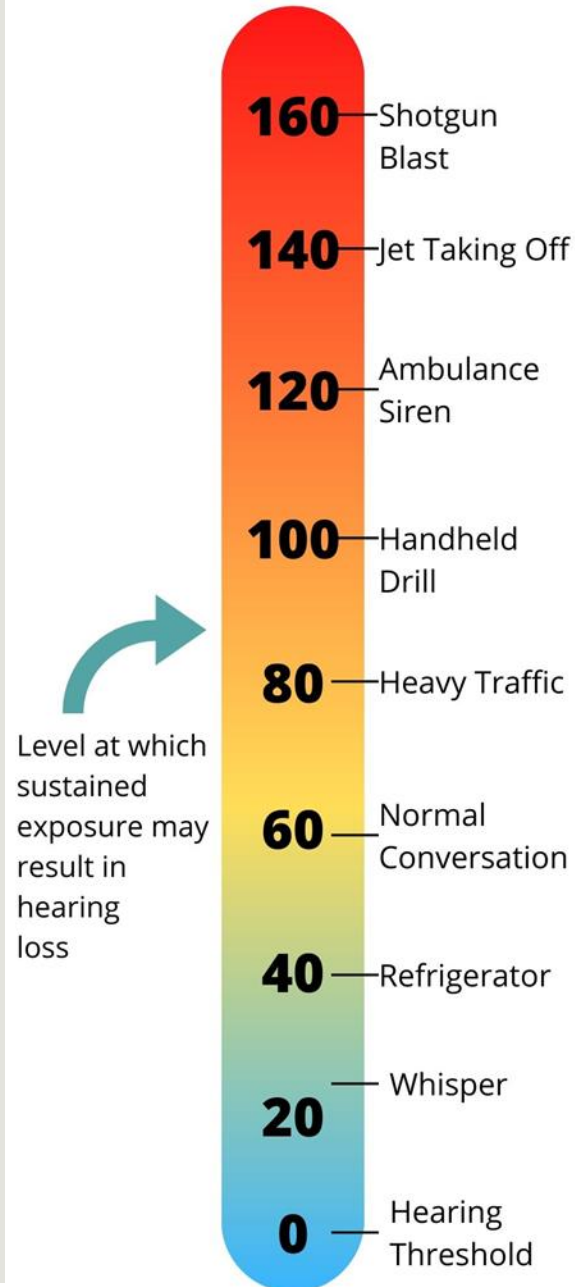






- Typical sound output for generators range from 55-70 decibels measuring at 7 meters (23 feet).
- Around 67 dB (A) during weekly engine testing and normal operation
- The lower sound outputs approximately 55 dB(A) for testing during quiet modes

Decibel Chart



KIARB Requirements

- Electric meters, air-conditioning units, water heaters, generators, above ground propane tanks and similar exterior equipment must also be screened from view
- Noise generating exterior equipment including but not limited to chillers, generators, pool equipment, and multiple unit air conditioning stands must also be baffled using both barrier and absorption component

Proposed Text Amendment #AZO22-000003

Generator Stand Installations

- The generator cannot be reasonably accommodated within the required setback.
- This relief would not apply to new construction. Generators installed at the time of new construction must meet required setbacks.
- Generator may encroach up to 5 feet into a rear or side setback. The generator can not be placed within 10 feet of the property line. Further encroachment would require BZA approval for a variance.
- The generator must be adequately screened with vegetation away from adjacent properties.

Proposed Text Amendment #AZO22-000003

Generator Stand Installations

- The generator stand must still meet required lot coverage requirements.
- A building permit is still required after a zoning permit is obtained.

Zoning Ordinance Text & Map Amendment Applications: Approval Criteria

(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;

The proposed text amendment is consistent with the purposes and intent of the Comprehensive Plan. *Housing Goal 1., Implementation Strategy a states, “Provide mechanisms to permit flexibility and innovation in residential project design to promote land use efficiency and environmental protection.” Furthermore, Land Use Goal 2. Implementation Strategy b. states, “develop standards that are flexible enough to allow property owners and developers to respond to changing conditions and ensure compliance with such standards.”*

Zoning Ordinance Text & Map Amendment Applications: Approval Criteria

- b. The proposed amendment is consistent with the purposes and intent of this article;

The proposed text 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;

The proposed text amendment furthers the general health, safety and welfare of the Town of Kiawah Island supporting the increased needs and responsiveness to residents desiring to their homes to connect to generators.

- d. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

The proposed text amendment meets an identified challenge of the broad increase in generator stand installations on Kiawah. This provides conditional approval standards for review island wide without compromising the intent of Sections 12-64. Setbacks.

Zoning Ordinance Text & Map Amendment Applications: Recommendation by the Planning Commission

Section 12-158(3) of the Zoning Ordinance states “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 the Planning Commission members present and voting shall be required to approve the amendment.**”

Town of Kiawah Island

Zoning Text Amendment Applications

Case# AZO22-000003

Planning Commission Meeting: August 3, 2022 (decision tabled)

Planning Commission Meeting: September 7, 2022

Planning Commission Recommends Approval by a vote of 7-0

Public Hearing and First Reading: October 4, 2022

Second Reading:

Zoning Ordinance Text and Map Amendment Applications:

Decision on Amendment by the Town Council

Section 12-158(5) states “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.”



TAB 7

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND

ORDINANCE 2022-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KIAWAH ISLAND TO AMEND CHAPTER 8 –NOISE PROHIBITED

WHEREAS, the Town of Kiawah Island Code of Ordinances currently contains Article 15, Chapter 8, governing prohibited noise; and

WHEREAS, the Town Council of the Town of Kiawah Island believes that certain adjustments and amendments need to be made to Section 15-804 - Decibel Level Prohibitions; and

WHEREAS, the Town Council wishes to amend Section 15-804 Decibel Level Prohibitions;

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 Article 15. - General Offenses, Chapter 8. –Prohibited Noise, Section 15-804 - Decibel Level Prohibitions.

Section 2 **Ordinance**

The Town hereby Article 15. - General Offenses, Chapter 8. Noise Prohibited, Section 15-804 is hereby amended as follows:

Section 15-804 **Decibel Level Prohibitions**

Table A (Maximum Noise Limitations) – dB(A) Maximum Decibel Levels

	Daytime Hours Mon – Thurs 8AM – 8PM	Nighttime Hours Mon – Thurs 8PM – 8AM	Daytime Hours Fri - Sat / Holiday 8AM – 10PM	Nighttime Hours Fri - Sat / Holiday 10PM – 8AM	Daytime Hours Sunday 9AM – 8PM	Nighttime Hours Sunday 8PM – 8AM Monday
Max dB(A) level	70	60	70	60	65	55

1) Unless otherwise specifically indicated, it shall be unlawful for any person to cause or allow the emission of sound from any source to exceed the maximum levels specified in the above table, when measured at the property line of the complainant's property. A violation will be determined by the code enforcement officer's use of an authorized decibel meter.

2) **Exceptions:** The following activities are not governed by the above decibel level limits, but activities that constitute a noise disturbance or do not comply with the limits set forth herein are violations of this Section:

- (a) Emergency warning devices on police, fire, ambulance, or other emergency vehicles;
- (b) Horns or other devices used in attempt to avoid imminent injury to human life or property;
- (c) Emergency work;
- (d) Construction may not start before 7:00 AM and must cease by 7:00 PM on weekdays, before 8AM and must cease by 5PM on Saturday, and is not allowed on Sunday, holidays, and other times as occasionally prohibited by the Town of Kiawah Island;
- (e) Commercial lawn care operations, including residential, may not start before 7:00 AM and must cease by 7:00 PM on weekdays, may not start before 8:00 AM and must cease by 5:00 PM on Saturday, and are not allowed on Sunday, holidays, and other times as occasionally prohibited by the Town of Kiawah Island;
- (f) Properly installed and operating HVAC systems **and generators**;
- (g) Golf and Tennis:
 - (1) Routine golf course maintenance, mowing and caring for greens, fairways, rough, raking of sand areas, grooming of courts may not start before 6:00 AM on any day;
 - (2) Blowing of parking lots and paths may not start before 6:30 AM;
 - (3) Other periodic maintenance such as tree trimming, cart path edging, and other non-routine tasks may not start before 7:00 AM and must cease by 7:00 PM on weekdays and by 5:00 PM on Saturday. These activities are not allowed on Sunday, holidays, and other times as occasionally prohibited by the Town of Kiawah Island;
 - (4) Watering of golf courses and tennis courts as required is not subject to the noise limits and may be conducted during the day or night.

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 ____ DAY OF _____, 2022.

John Labriola, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading:

2nd Reading:

DRAFT



TAB 8

TOWN COUNCIL

Agenda Item

RESOLUTION 2022-03

A RESOLUTION TO ADOPT INTERNATIONAL BUILDING CODES

WHEREAS, the Town of Kiawah Island Code of Ordinances contains Article 9 – Buildings and Building Codes originally adopted on September 3, 2013 for the purpose of establishing the minimum requirements to safeguard the public health, safety, and general welfare of the built environment; and

WHEREAS, the Town of Kiawah Island Code of Ordinances Article 9 – Buildings and Building Codes, currently contains Chapter 3 – Building and Technical Codes, Sections 9-161 through Section 9-171; and

WHEREAS, the Town of Kiawah Island, in order to remain in state compliance with the code adoption cycle must adopt the 2021 Building Code series, 2020 National Electric Code, and the 2009 International Energy Code; and

WHEREAS, the Town Council has determined that it is appropriate to adopt the 2021 Building Code series, 2020 National Electric Code, and the 2009 International Energy Code.

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

Section 1 **Resolution**

The Town Council for the Town of Kiawah Island hereby resolves to adopt and incorporate in their entirety the following codes as part of the Town of Kiawah Island Building Code:

1. The **International Building Code** Series, 2021 edition, published by the International Code Council:
 - a. International Building Code
 - b. International Residential Code
 - c. International Existing Building Code
 - d. International Plumbing Code
 - e. International Fuel Gas Code
 - f. International Mechanical Code
 - g. International Fire Code
 - h. International Property Maintenance Code
 - i. International Swimming Pool Code
2. The **National Electric Code**, 2020 edition, published by the National Fire Protection Association
3. The **International Energy Code**, 2009 edition, published by the International Code Council.

Section 2

Effective Date and Duration

This resolution shall become effective on the date of passage of the resolution.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS 4th DAY OF OCTOBER 2022.**

John D. Labriola, Mayor
Town of Kiawah Island

ATTEST:

Petra S. Reynolds, Town Clerk



TAB 9

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND
ORDINANCE 2022-08

**AN ORDINANCE TO AMEND THE TOWN OF KIAWAH ISLAND MUNICIPAL CODE
ARTICLE 9 – BUILDINGS AND BUILDING CODES, CHAPTER 3 – BUILDING AND
TECHNICAL CODES**

WHEREAS, the Town of Kiawah Island Code of Ordinances contains Article 9 – Buildings and Building Codes, Chapter 3 – Building and Technical Codes; and

WHEREAS, the Town of Kiawah Island finds a need to provide staff, designers, and contractors a better understanding of the requirements when implementing green construction in their designs and construction methodologies by adopting the 2021 International Energy Code Provisions, and 2021 International Green Construction Code; and

WHEREAS, the Town wishes to amend the current Chapter 3 – Building and Technical Codes with the addition of Section 9-172 - International Energy Code Provisions and Section 9-173 - International Green Construction Code,

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 the Town of Kiawah Island Municipal Code, Article 9 – Buildings and Building Codes, Chapter 3 – Building and Technical Codes; adding Sections 9 – 172 and 9 – 173 to provide staff, designers, and contractors a better understanding of the requirements when implementing green construction in their designs and construction methodologies.

Section 2 **Ordinance Amendment**

Section 9-172 - International Solar Energy Provisions shall be added as follows:

The International Solar Energy Provisions Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The appendices, amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they

stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the energy conservation code."

Upon resolution by the town council, the building official for the city may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Section 9-173 - International Green Construction Code

The International Green Construction Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute, and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The appendices, amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the energy conservation code."

Upon resolution by the town council, the building official for the city may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Section 4 Effective Date and Duration

This Ordinance shall be effective on January 1, 2023.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS 1st DAY OF NOVEMBER 2022.**

John D. Labriola, Mayor

Petra S. Reynolds, Town Clerk

First Reading: October 4, 2022

Second Reading: November 1, 2022



TAB 10

TOWN COUNCIL

Agenda Item



Memorandum

FROM: Dorota Szubert, Finance Director

SUBJECT: Medical Insurance Premiums

DATE: 10/04/2022

Overview:

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, dental and vision insurance plan. This is a self-funded plan offered by SC Public Employee Benefits Authority (PEBA)

The Town subsidized a portion of the employee insurance contribution. The contribution rate was based on the single employee's insurance cost. As a result, the coverage for a single employee was at no cost to the employee, and the same subsidy amount was applied to other types of coverage, including employee and spouse/dependents and full family. However, in 2019 for the 2020 rates, the Town Council eliminated the subsidy and implemented a 20/80 payment structure that requires the employee to pay 20% of the total premium, and the Town pays 80%. That structure applies to all coverage types.

For many years PEBA has not increased the employee portion of the medical insurance; however, the employer portion has increased substantially, and therefore the total cost of the premiums has increased. With the higher total premiums, the current structure of 20/80 will cause employees with single coverage to pay higher contributions than the maximum required by PEBA.

For today's discussion, the Town Staff is asking the Town Council to consider a different pay structure for at least the employees on the single plan. The 2023 PEBA rates are enclosed for your reference.

2023 PEBA Rates

	Single			Employee/Spouse			Employee/Children			Full Family		
Plans	Employee	Employer	Total	Employee	Employer	Total	Employee	Employer	Total	Employee	Employer	Total
Medical	97.68	463.10	560.78	253.36	964.88	1,218.24	143.86	756.84	900.70	306.56	1,222.44	1,529.00
Dental	-	13.48	13.48	7.64	13.48	21.12	13.72	13.48	27.20	21.34	13.48	34.82
Dental Plus	26.60	-	26.60	61.42	-	61.42	75.76	-	75.76	101.94	-	101.94
Vision	5.94	-	5.94	11.88	-	11.88	12.76	-	12.76	18.70	-	18.70
Totals	130.22	476.58	606.80	334.30	978.36	1,312.66	246.10	770.32	1,016.42	448.54	1,235.92	1,684.46