

# TOWN COUNCIL MEETING

Municipal Center Council Chambers

April 4, 2023; 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*  
John Moffitt, *Mayor Pro Tem*  
Russell Berner, *Councilmember*  
Brad Belt, *Councilmember*  
Michael Heidingsfelder, *Councilmember*

**Present Via Zoom:** Stephanie Tillerson, *Town Administrator*

**Also Present:** Joe Wilson, *Town Attorney*  
Dorota Szubert, *Finance Director*  
Craig Harris, *Director of Public Safety*  
John W. Taylor, Jr., *Planning Manager*  
Brian Gottshalk, *Public Works Manager*  
Jim Jordon, *Wildlife Biologist*  
Ruthie Foster, *Arts & Cultural Events Coordinator*  
Duncan Webb, *Webb Management Services*  
Wes McAden, *AirMedCare*

IV. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of March 7, 2023

***Councilmember Heidingsfelder made a motion to approve the minutes of the Town Council Meeting of March 7, 2023. Mayor Pro Tem Moffitt seconded the motion.***

Councilmember Heidingsfelder and Councilmember Belt indicated the typographic errors noted in the minutes would be forwarded to Ms. Reynolds.

***The minutes were unanimously approved as amended.***

V. **Updates:**

A. **Mayor**

It is good to see everybody. Another busy agenda, and certainly one of the items, is a carryover from the discussion we had last month that deals with the potential for a major project. We discussed it at the council meeting, and Councilmember Heidingsfelder and I had a podcast about it, which has to do with the property on the development of Upper Beachwalker.

So I was trying to prepare some thoughts about that, but I received a very nice note from a concerned, interested resident who asked me the same questions. Why are you doing this? What's this all about? And I wrote a response, so I thought maybe I'd start this off by telling you what I responded.

*Dear.....Thank you for your note and sharing your concern. As Councilmember Heidingsfelder and I explained at our last Council meeting, we are in the early stages of a strategic planning process with the Partners that will affect the Upper Beachwalker properties, the intersection, and the real estate building and site. We think the building and site are critical components for this plan to be successful. There is nothing that has been approved by Council, but I am asking Council for their support to send a letter of intent to the Partners indicating our interest and desire to purchase this property.*

*This will demonstrate to them and the entire community we view this as important and are seriously considering the acquisition. Time will tell if we can successfully negotiate a price and conditions of sale with the Partners and be*

*approved by Town Council. The entire community will soon be involved in the preliminary plans that have been discussed to date. We are just in the very early stages of all this. Hope this helps. Thank you again.*

So where are we at in all of that? Well, now, this month, four things are going to happen. I'll be talking with Jerry McGee to see at what point we can take some of the conceptual options/conceptual drawings to his or the Community Association Board. Hopefully, we can do that within the next few weeks. We will contact the neighborhood HOAs surrounding the property to see when we can start making presentations to them.

We will have sessions here that'll be opened to the community at large to be able to come in so that everybody can start seeing what has been discussed to date. I'm going to encourage, which I probably won't need to, all of our council members to attend as many as all of these sessions as they possibly can.

The outcome is twofold. The more community involvement, the more thoughtfulness that can be put into this; I have absolutely no doubt will be a better design, so suggestions will always be valuable. But in addition to the design, I think that input would be important to identify a level of value on the acquisition of the real estate building. Value from both the design prospect and the intersection.

So it's going to be important for us to hear from all of you in terms of how much you feel there is value in terms of the things that we're looking at. So we will hope to get the perceived value from both. The building acquisition and the possibility of... and we have some conceptual designs for the intersection. Both are expensive, the acquisition of the building and certainly what we're looking at in terms of the intersection.

In addition, we'll try to get some more quantitative assessments over this period. We have to really fine tune and get, I think, well, we have, but we'll get, I think, probably a better appraisal on the building more current. This market has changed even in a relatively short time since we got the previous appraisal, so I think there'll be a need to do that.

And in terms of the intersection, we need to have the engineers begin to look at the benefits associated. We can see some of the flow, but again, it's expensive. We need to understand better the engineering implications of it. So we'll have a qualitative impact and, quite frankly, a quantitative impact.

Hopefully, we can get as much of this done as we can over April and May. I'm not sure exactly how long this is going to take, but I think it's important for all of us, as your municipal officials, to be able to render a judgment relative to the acquiring of the building, render a judgment relative to the intersection.

As we look at this conceptually, the building has a unique implication. It impacts both. It impacts the design of Upper Beachwalker and the intersection, but as I said before, it doesn't come cheaply. So we have to really assess how much of that value, both quantitatively and qualitatively, we want to ascribe to it.

Financing will obviously be something that we'll have to take a serious discussion with. So that's where we are right now. Hopefully, we can talk, the Council can talk later this afternoon in terms of the Executive Session. There are a little bit more things we need to understand, and I really need as much as anything and a sense of strategy relative to all of that, but I just wanted to share that's why it's on the agenda.

You'll be hearing more about it. We'll be sending information out soon relative to these meetings in April. Hopefully, you'll be able to attend, and we encourage everybody's participation.

## **B. Council Members**

**Councilmember Heidingsfelder-** I often receive questions from community members about what your biggest issues are or what the top priorities are to make an impact on this community. And besides my first answer to that question also being I hope that I can bring, again, more civility and fact-based discussion to the community, it's usually the next two are traffic, finding traffic solutions, and finding a solution to avoid a second cape or overdevelopment or us looking like Hilton Head.

What we have been discussing here since last March, the Town Council, and what we have discussed with the Partners in that respect for several weeks, now in a very constructive and forward-looking way, really addresses these two and three. There is currently no way from my point of view, and I also guess from a lot of the experts, to really resolve the traffic issues at the first gate, both in the morning when coming into the island as well as in the afternoon leaving it without having more options means land to consider.

There is no way to make it sustainable for the next 10, 15, 20 years. At least, certainly for the next five-plus years until we are more or less built out on this island. So what we are going to discuss here again for a second time in public this afternoon has a substantial impact on our options to find solutions to mitigate traffic at the first gate. That's one.

But interconnected to this, both by desire but also just by facts that we will discuss later this afternoon, you cannot look at this separately. You have to look at the current real estate building, and you have to look at Upper

Beachwalker parcels because only these three things are together. The intersection, the real estate building, and the Upper Beach Walker parcels. Only when you look at this together you can find solutions.

One is obvious. For example, our acquiring the real estate building would allow us to use some of the land for better traffic routing. But looking at the Upper Beach Walker Drive gives us a very safe way to reroute our leisure trail that comes from the second hole of Cougar, approaches the first gate at the moment, crosses over right at this intersection, and then continues.

So bringing the Upper Beach Walker parcels into play gives us a lot more options to route this leisure trail in a very safe way further south on Beach Walker Drive, et cetera. So there are so many things, so many reasons why these different aspects are connected to each other that we need to look at this together, and that's what we are trying to do, and that's what we are going to present to you again in more detail this afternoon.

**Mayor Pro Tem Moffitt** - I only have one thing on the agenda; item number six on the agenda says, "Citizens comments, agenda items only." Two things are key in that. One is comments, and the other is agenda items only. It's my impression that the reason that's on here is that the citizens have an opportunity to give us their almost the last chance they have to give us their thoughts and opinions and so forth on the items we will discuss later.

To me, it's not a time for us to disagree with a citizen's comment or take issue with it. It's to listen. A lot more listening than talking in that section. I think last month, what we experienced was every comment was responded to by one or more Council people, and I think that does two things.

Number one, in that section, we're not supposed to be arguing with the citizen's comment; it's their opinion. We should include it in our discussion. The other is that it somewhat negates the value of that opinion if we don't respect the fact that they can voice their opinion. So what I would like to see, I may not be successful here, is in the citizen's comments; as Council, we do more listening there than talking, and we add your comments to our discussion because it's all about the items that are later in the agenda and there's no point in discussing them until we get to that point is my opinion.

**Councilmember Belt** - A few things, and maybe I'll just touch upon Mayor Pro Tem Moffitt's last comments. I take his point; it's probably directed at me as much as anything else since I'm the one that tends to engage with community members. I think it is my own personal view is it's healthy to have a dialogue and discussion. Now I would acknowledge that getting into a debate is probably not the appropriate forum, but if a member of the community is willing to be engaged, I think that provides the best opportunity in a public setting to have that kind of discussion and dialogue. If they're not, I would certainly respect that.

To the more substantive matter that the Mayor and Councilmember Heidingsfelder addressed. I appreciate very much the tone and tenor of the Mayor's remarks and those of Councilmember Heidingsfelder as well. I completely agree that this is an issue that warrants exploration, and indeed it provides an opportunity, potentially an opportunity, for solving some of the most vexing challenges facing us.

There are issues, as you noted, Mayor, with regard to price and utility or use of the parcel should it be acquired, but I think conceptually, the idea of the town acquiring a key piece of real estate at the entrances of the island makes a lot of sense. There are a lot of things we have to work through, as you noted. I'm being a little bit more cautious than perhaps some of my colleagues with regard to getting a better understanding of some of the issues that are involved, but I think we're evolving in the right direction, and I appreciate the commitment to involve community members and really have an open discussion about all of these issues.

What I'm going to focus on now very briefly is actually what it is we're going to do today. I have no issue with going into an Executive Session to discuss the potential terms of a letter of intent, a non-binding letter of intent with regard to the acquisition of the parcel. That's the type of thing, the terms and strategy that are appropriate for Executive Sessions.

My concern is with regard to the new business action item in this instance, which is actually to authorize the Mayor to negotiate the purchase of the Kiawah Island real estate building with regard to a specific letter of intent. The reason for that is we didn't receive a draft of that letter of intent until 8:30 last night. I've had some time to review it over the course of the morning. My view is that that letter of intent is deficient and defective in material respects.

Not that that can't be addressed, but I'm not sure we have the time today to do that. So while I certainly support going into Executive Session and having a robust discussion about the parameters of what would go into a letter of intent, I would not feel at all comfortable approving this specific letter of intent as drafted and presented to us just last night.

A couple of other matters, and it somewhat relates to the issue of getting the letter of intent last night. I know staff works very hard, and I don't want to put this on staff because we're all responsible and we've all got to do a better job, but the community itself didn't get notice of all these agenda items until late Friday afternoon. We

ourselves, as Councilmembers, didn't get the materials attendant to this agenda until late Sunday afternoon, and we didn't get the draft letter of intent until last night.

That's certainly something that would not pass muster in the business world. It makes it difficult to prepare appropriately and consider the public's business and people's business. I don't know what the solution is. Still, the question is, if we are not prepared to have materials to review in an appropriate and prudent amount of time, should we in the future consider delaying the council meeting? I know it's provided in our ordinances or delay certain consideration of certain action items. I don't know the answer, but I think the timing this time has been unacceptable.

**Councilmember Heidingsfelder** - I confirm that I have the same view and have had a brief discussion already with Ms. Tillerson about potential solutions. As I said in the beginning, we put a lot of stuff on the shoulders of our staff right now, actually on our own shoulders as well. I think we all work several hours a day just on these topics here for the Town, but I think there's an additional workload that created this, so we need to be mindful.

But I agree, and we need to do a much better job here, but I think we also need to help the staff to do a better job. I mean, they do this very well, but we need to ensure we understand the time limitations. If the solution is to bring in additional half-time resources or shift around some responsibilities, I'm sure Ms. Tillerson will discuss that over the next couple of days, but it's an issue that we really need to address.

**Councilmember Belt** - There is a minimum statutory notice requirement for the public, but we need to do better by our constituents as well as getting information to them in as advance as well, so they can prepare those citizen comments that Councilmember Moffitt referred to in a timely manner as well.

The last item I will mention, I know there are some people here that have raised an issue, a matter in which questions were raised by a number of members of the community with regard to whether a waiver was improperly granted by the Town with regard to a particular piece of real estate, and that was almost exactly two months ago.

And unfortunately, the people that have raised the issue have had to come back to the Town and Town Staff repeatedly to try to get clarity about what transpired, what the basis of the action was, what the consequences were, if the action was improper and what to do about it going forward.

I don't want to belabor it here, but it's become palpably clear that the waiver was not properly granted. That's fine, mistakes are made, but for whatever reason and to seem to be almost a congenital effect in some respects, the Town tries to throw up every argument or justification to justify the action that was taken rather than simply acknowledging that a mistake may have been made. Let's try to understand what the consequences are, and let's figure out how to make sure it doesn't happen again.

And again, we don't need to get into substance here, but I think this is another instance where from a Council perspective and a Staff perspective, we do need to do a better job of responding very thoughtfully to legitimate questions that members of the public raise about actions that the Town has taken. Make sure that we are on legally sound ground. If we've made a mistake, if we believe we have not and can defend that, great. If we've made a mistake, let's just acknowledge that, figure out what the ramifications, remedy, or consequences are, and then figure out how to move forward.

**Councilmember Berner:** I just wanted to emphasize, please, that this letter of intent, I want to make sure the community understands what it is. It is not an agreement to purchase. We're not there yet. It's just an agreement that we will find out what the price is for this property. That's all we're doing. Step one is the development of this potential purchase agreement.

If we do have a reasonable price for purchasing this property, at that point, we will then enter into our engineering studies for the traffic, and we will then enter into solicitation with the community of what they would like to see done or not done, and so forth. But I just want you to make sure that we will enter into those communications and due diligence and engineering studies only if the purchase price is going to be reasonable; otherwise, we're wasting money on hiring engineers to do work that would be wasteful.

Moving on from that, the other thing I wanted to bring up is I'm the liaison with the Public Safety Committee, and there are a couple of interesting comments that came out of last week's meeting. And I'm bringing it up only because there were a lot of things that were discussed, but one of them is the e-bikes, and I don't want to go down a road of what my opinion is or what my opinion is not. However, what I wanted to share with you are some data that came from the Fire Chief and EMS.

What they both indicated is that they've had a number of calls of accidents just with bikes, just with bicycles, not electric bikes, just with bikes colliding with each other, and they've indicated at this meeting that some of the

issues are that the bicyclists, again, we're not talking e-bikes yet, are passing walkers or children or whoever they may be, and the person they're passing is walking into the path.

Both EMS and the Fire Chief indicated that the e-bikes would make this instance occur much more often because they're quiet. That is their opinion. I'm not saying it's mine, but I just wanted the community to understand that that's the feedback we've already received from the Fire Chief and EMS.

C. Administrator  
None

## VI. Citizens' Comments (Agenda Items Only):

**Alex Fernandez, 418 Snow Egret** - I want to address the issue you've all been talking about with reference to the purchase of the property, the Kiawah Island Real Estate Property. I agree with some of the comments the Mayor made with reference to having community support, but I believe that before we proceed, we need to have at least two independent appraisal, current appraisals for the community to be aware of what we're talking about.

**Maura McIlvain, 146 Blue Herron Pond Road** - I'm going to start at the building since that's the current topic. Mr. Mayor, you said you wanted everyone to know where we are right now. I'm not sure I know much more about where we are than I did last month, except I appreciate Councilmember Berner's comment that this is to determine the price. As someone who practiced law, you don't need an LOI to determine the price. An LOI tends to be the agreement right before an agreement to purchase. And if it's not crafted very carefully, it can have a lot of liabilities built-in or consequences built in that are maybe unintended but still would bind the town.

In order to determine though what the price is or what it would be to the Town, tell me what use you're going to make of it. What's the value to the Town without any declaration of whether we're going to use it for X or we're going to use it for Y, or we might have to rebuild the building. It may not have a load-bearing wall. We may have to spend 2 million renovating it. Those all go into the value and price, and I don't know if the price is reasonable until I know what you should want to make of the building, so I'm not sure; you seem to be starting kind of at the back end.

I also wanted to talk about the Performing Arts Center. I see that phase one is back on back for discussion. I was here for the special meeting and the Town Council Retreat. I've reviewed the phase one needs assessment and have pages of everyone's comments from the original meeting on how the first phase one presentation didn't do what everyone needed it to do. I am not convinced that this needs assessment gets you much farther and doesn't answer whether we really have a market. If you look at the numbers, it doesn't tell you that many more people from Kiawah will use or need this facility. It tells you what they hope to draw from, is it a 60-mile radius or 60-mile diameter? This is clearly not baked well enough to recede on it.

**John Grierson, 109 Bobcat Lane, Riverview Community** - As President of that HOA, we have severe concerns about any alternative use for that building. We are directly affected. It abuts our property. I appreciate Mayor; I sent my notes in, and you sent a response back that we would be included in the meetings as those begin. I don't really know where in that process that is, but kind of going from the idea that there's no different use of that, we would like to be included in that. The history I have, and I've been here for four years, part of Preserve Kiawah and all these others, is that for whatever reason, it goes down a path, and then the community gets involved, and it changes direction. We would like to preempt that.

We'd like to be involved from the beginning; any discussions, anything we can be involved in, look forward to hearing from you. But any alternative uses we're concerned with. And as you said, it also relates to the other side of Beachwalker Drive, and again, as a developer, I'm sure they want to bring it together and get additional units over there, but it all goes hand in hand. So any discussions we'd like to be included in.

I think you're talking about a lot of money for a piece of property that you're going to buy with the hope of solving some other problems and don't have an answer to what that looks like yet. What I'd ask you, with the amount of money you're spending, though, have you looked at alternatives beyond that property going back up the road, the resort property where you can have a proper entrance, you can control traffic, and maybe eliminate everything in that area instead of trying to take one little piece and solve a lot of problems by putting a whole new gate. Whatever it is, there are probably other options that I said to broaden the view and make sure you check everything.

**Todd Bonnet, A35-32 Ship Watch, Board Member of Preserve Kiawah.** First of all, I want to thank you, the Mayor of the Town Council, and the Town Staff for all of the engagement activities that are going on. I'm relatively new to being active in the community, so I'm assuming that some of this has gone on but not all of it. But I think the

podcast, the drop-ins, Councilmember Heidingsfelder, and the meetings you've been arranging are very helpful in increasing engagement throughout the community. Some of the questions I have about the proposed building purchase, and I'll echo what John talked about, is; are there other locations that can be considered? One question I have, and I don't know if there's what discussion there has been with the traffic consultant, but if we drive welcome traffic to that building, I don't see how that necessarily solves congestion at that intersection.

Councilmember Heidingsfelder, you've talked about whether there are technological solutions to allow guests to breeze through in a sense breeze through? If we were to move traffic further up, to get people registered some way for them to get some type of breeze through pass, to me, that would be a way of improving the solution there. So again, I ask you all to consider other locations and other solutions. The one thing I guess I would suggest if you were to move forward with this property is the one question I have from a traffic standpoint is for the people that would enter the real estate parking lot and then probably come back through Beachwalker or people coming up Beachwalker; we're going to have people trying to negotiate that intersection. So one question I would have is whether it would be possible to add a third entrance lane, in a sense, a turn-only lane coming off a Beach Walker going through the gate so that the people coming out of Beachwalker turning onto the island would not have to negotiate that intersection in the same way.

And the reason I bring it up is it's my understanding that part of the land just beyond the gate on the right side of the drive is owned by the partners as well. So the question would be, would you also want to negotiate an option? I think there's another land further close to the guard check that you would have to acquire. But as you're looking at this, consider whether or not there's an opportunity to utilize these negotiations to incense and maximize your optionality. The other thing I guess I have a question on is when we look at what this purchase is relative to the Town's capital needs over the next ten years, where does this fit? Does the community understand what the Town's capital needs will be over the next ten years? You know, Mayor, you touched on the intersection itself.

We have the new traffic circle that's been talked about. I actually have a second home as well in Highlands. I actually believe that the performing arts center is something that could add value to this community. I think the two towns have very similar characteristics in terms of being second-home towns and vacation rental properties. So I think it's something that's worth considering, but I bring that up in the context of what does this particular project do? And I'll use a term that I've used in finance in terms of potentially crowding out other possibilities.

Obviously, the Town does have some cash, and I commend you for what you're doing and trying to make sure that you're ready for a catastrophic event. But I think when we take a look at the funds that you do have, and you start backing out the things that you actually have money to spend, backing out the catastrophic fund or reserve you might have, any specific limitations you have on any tourism-related funds, how much money does the town actually have and how does that match up relative to what the capital requirements are? But again, I want to commend you for what I consider to be improved engagement.

**Kristen Thompson, 101 Shoobred Court, member of the Arts Council** - What I've observed over the last two years has been a challenge and both an opportunity with this funding. One challenge we are facing is we're unable to place many of our programs into the buildings that exist here on Kiawah. I have two programs that I'm trying to place for next year. I've been having a lot of challenges with them, dealing with the Resort in terms of finding a location and with KICA. So I'd like to speak in favor of the Arts Council moving forward with the Arts Center.

**David DeStefano, 31 Burrows Hall** - I'm speaking on my own, not as a Kiawah Island Community Association Board member. I don't have that authority today. With respect to the intersection and purchasing the building, I agree that whatever the uses, determines the value of the building. Right now, it's office space, and as the Mayor said, this could take three, three and a half, four years. That means the intersection isn't going to be done for three and a half or four years, and the community's waiting for that intersection to be improved, particularly the outbound lane. The outbound lane's not going to change no matter what we do with the inbound lanes. So I think the Town should move forward to get that straight through outbound lane going because that's a daily jam up. And I do know that in the few discussions I've had about that building, one of the things is it's going to be kind of a pass building where people get their passes, etc. And probably the entity that's most concerned about that and the Town is KICA. So KICA has got to be a major participant in anything that goes on with this because it's all about getting through the gate and the passes, et cetera. Technology changes very rapidly, et cetera. So I just wanted to make sure that all the proper parties are involved at the very highest level of this endeavor.

## **VII. Proclamation:**

- A. Proclamation Recognizing the Kiawah Conservancy, an Official Earth Day Conservation Partner of Kiawah Island**

Mayor Labriola stated the presented proclamation supported the Conservancy as a conservation partner of Kiawah Island.

## **VIII. Presentation:**

### **A. Feasibility Study Phase 1 – Webb Management**

For the past few months, the Town has partnered with Webb Management Services on a study to determine the feasibility of creating an arts and cultural center on Kiawah Island. The study is divided into two phases, with Phase One targeting the needs assessment. In December, the consulting team collected information and community feedback and was also involved in the Town Council Planning Retreat. Mr. Webb will present the phase one findings and preview what's to come in phase two.

Mr. Webb stated that he had spent the last 34 years working for cities, schools, developers, and arts organizations, helping them think about building, fixing, and operating different kinds of theaters and other performing arts and cultural spaces, doing feasibility studies, and business plans and strategic plans. The presentation today is at a midpoint in the process. The work done to this point is the needs assessment, which is essentially saying; what if anything makes sense for this community? Is there a need, and what are the market opportunities?

Mr. Webb provided a PowerPoint presentation outlining the extensive study process, including collected community input and research on and off the island. An in-depth review of the needs assessment included the following:

- Forces & Trends
- Stakeholder Interviews
- Market Analysis
- User Demand & Utilization
- Existing Facilities & Competitive Analysis
- Benefits & Impacts
- Partners & Collaborators
- Comparable Projects

### **Conclusions & Recommendations**

Mr. Webb stated that the study concluded that there is a potential market, there are audiences, and there are lots of folks who have the propensity to participate. There are gaps in the current inventory facilities. There is demand at a couple of capacity levels for some other spaces, and we see potential alignment with local and regional goals.

On that basis, we've recommended several pieces. And at this point, we're not saying if they're all contained within one building because they could be physically distributed as opposed to being in one place. But the pieces are that three to 400-seat main space that's good for music, dance, film, speakers, flexible seating, strong handicapped accessibility, strong technology, and great acoustics.

We also like the idea of adding a second multipurpose space, which works for smaller performances, plus or minus a hundred seats, but also meetings and events, rehearsals, teaching, and then some other pieces that could be around that. Other rehearsal spaces, classroom spaces, and exhibition spaces, it would be great if there was an opportunity to have an outdoor component around it. It should have strong food and beverage capabilities, great backstage, and as I've already said, this could all be within one building, or it could be distributed to create some kind of a district to sort of disperse arts pieces within a more sort of urban area.

#### **Phase Two Scope of services:**

##### **Physical Planning:**

- List of spaces for indoor and outdoor facilities
- Net square footage allocations
- Total area and footprints
- Performance equipment
- Preliminary capital budget

##### **Business Planning:**

- Programming strategy
- Governance & operations
- Comparable projects
- Staffing & leadership
- Pro-forma operating budget
- Economic impact projections

- Critical path plan

Following a preliminary gross square footage projection and a list of preliminary cost strategies, Mr. Webb, Councilmembers, and community members engaged in an in-depth discussion of the information presented. Included in the discussion were the conclusions, recommendations, comparable projects, estimated square foot pricing, financing, funding from a combination of individual donors and business donors, and alternatives available to build and operate this facility.

Following the discussion, Mayor Labriola asked if anyone felt the project should be stopped; if not, the study would continue to phase two.

## IX. Old Business:

### A. Status Report from Town Council Retreat February 2-3, 2023 - Work Plan Status Update (All)

#### Ms. Pomrenke provided an update on the Communication initiatives during 2023:

- ▶ KICA/TOKI Communication Process
  - Continuing to work with Shannon to establish an initial meeting between the KICA Board and Town Council ~ work in progress
- ▶ Communication:
  - Review of our methods, content, intentions, etc., ~ work in progress
  - New website ~ anticipated soft rollout mid-April and announcement to the public in May
  - New Strategic Communication Plan ~ anticipated being finalized in June

#### Councilmember Heidingsfelder provided an update on the initiative to increase direct interaction between the Town Council and the community.

##### ➤ Interactive Communication Concept

- ▶ The Town Council is committed to establish a more regular, community-centric, and transparent communication process focused on the wider community of the island:
  - **Community Drop-In Meetings:** Stroll in at any time, and two Councilmen (on a rotating basis) will be available to listen to your concerns and answer any questions you might have
    - Every Friday after the Town Council Meeting between 09:00 am and 11:00 am
    - **First Meeting is scheduled for Friday, March 10<sup>th</sup> to meet Councilmen John Moffit and Michael Heidingsfelder**
    - **Next Meeting: Friday, April 7<sup>th</sup> at the Sandcastle with Brad Belt and Michael Heidingsfelder**
    - Locations might occasionally vary ... but usually in the Town Center and the Sandcastle
  - **Additional Podcast Formats** – Executed two new sessions with video in a “Talkshow”-style setting with Mayor John Labriola and Michael Heidingsfelder and with Brad Belt and Kevin Donlon (KICA).
  - **Further communication platforms in preparation:**
    - **Special Drop-in Meetings** – Whenever special circumstances require
    - **Regular Community Outreach Office Hours** – Every Monday from 09:00 am and 12:00 pm in the Executive Conference Room of the Town building –Meet a Councilman (on a rotating basis) and talk

#### Mr. Taylor provided a review of the Planning Department Action Items Update:

##### ➤ Comprehensive Landscape & Tree Preservation Ordinance Adoption

- ▶ **Objective: Memorialize comprehensive guidelines and standards for landscape and tree preservation**
  - Two workgroup meetings were held in March
  - Next steps to bring in various experts (April)
  - Revised schedule for draft language target PC Recommendation (July 2023)
  - Target TC PH & 1st Reading: August 2023

##### ➤ 2013 Amended & Restated Development Agreement Sunsetting

- ▶ **Objective: Prepare for the end of 2013 ARDA**
  - Draft summary composed of remaining action items of the 2013 ARDA. This includes status updates of items responsible by TOKI, KP as well as KICA. (Conveyances, dedications, entitlements, etc.)
  - Draft compiled of remaining action items within ARDA, including a timeline of ordinance amendments.
  - Ongoing: Review, compare and update to ensure consistency of what has been completed, is in process, and has yet to be completed.
  - Next steps / ongoing: Coordinate actions of ordinance timeline with established workgroup and task force

##### ➤ Review of Land Use Planning and Zoning Ordinance



- ▶ **Objective: Complete rewrite of zoning code to update outdated standards and to reflect “KiawahNext” principles.**
  - RFP scheduled for release in April
  - Submittal RFP Deadline May 8th
  - Recommendation for selection of consultant scheduled for May –June TC
- **Betsy Kerrison Parkway Overlay Zoning District**
  - ▶ **Objective: Preserve the character of BKP as culturally significant to JI, Kiawah, and Seabrook**
    - Interest shared with Seabrook Island along with UGB
    - Information write-up sent out to the community through eblast regarding UGB as a precursor to conversations of BKP
    - Draft correspondence letter completed; to be shared with members of County Council and staff shortly after the briefing to District 8 & 9 Representatives
    - Consideration for stakeholder feedback included as part of KiawahNext

**Mr. Harris provided an update on the Public Safety planned initiatives during 2023:**

- ▶ **Implementing Emergency Calling Boxes - Pre-stage inquiry results:**
  - Finalize meetings with prospective organizations.
  - Narrow selections to the top three calling boxes.
  - Develop goals/timeframe for implementations after approval.
- ▶ **Implementing RFP development into a sworn police department ... Pre-stage inquiries:**
  - The Public Safety Committee will draft RFP.
  - Conduct a threat assessment throughout the entire island.
  - Provide an RFP recommendation to Council by May of 2023

**Ms. Szubert provided a review of the goals of the Finance Department that included:**

- ▶ **Evaluation of the Town’s fund balance and reserve policies and levels with an emphasis on financial risks from the hurricane, cost for cleanup and reviving the Island.**
  - With the oversight of the Mayor and Mayor Pro Tempe, the analysis and discussions will be conducted during FY24 budget review meetings and presentations.
  - Proposed policies will be reviewed at Ways and Means meeting on April 24, 2023.
- ▶ **Review of the Town’s investment policy and strategies**
  - As part of rebidding our banking services, we will evaluate the current investing mechanism-LGIP vs. outsourcing with other firms providing investment management services. This will take place after budget approval.
  - Request for Proposal (RFP) is underway with the goal of being advertised in mid-April.

**Councilmember Heidingsfelder provided an update on the Kiawah Goes Green Initiative:**

- ▶ **The Town Council decided to revamp the 2021 “Go Green” initiatives and start the “Kiawah Goes Green” initiative in 2023**
- ▶ **The initiative will be implemented jointly with stakeholders (KICA, KIP, KIGR, Conservancy, Riverstone) with a first meeting towards the second half of April**
- ▶ **Key focus areas are:**
  - Installing a series of EV Charging stations across the island for the efficient use of residents and visitors together with KICA, KIGR, KIC, and Freshfields/Andell West
  - Run a second pilot test with KICA using battery-operated landscaping equipment (esp. leaf blower) to validate if this technology is now ready to be used.
  - Expand the current concept of limiting the use of single-use plastics based on a variety of new environmentally friendly products for utensils, plates, cups, lids, bags, ... to be used across the island in, e.g., restaurants and golf courses.
  - Explore the regulation to use only electric vehicles on our beaches (non-emergency vehicles only, like, e.g., Beach Patrol, Turtle Patrol, Beach Umbrella/Chair Services, Beachwalker Park operations, ... )
- ▶ **The TOKI team will also focus on several activities within their own boundaries:**
  - Increase the number of EV and Hybrid vehicles in the Town’s vehicle fleet –Currently working on a replacement plan for the fleet
  - Organize regular hazardous material pick-up events at the Town Center –First discussions with Carolina Waste have started.
  - Providing a business plan for installing solar panels on a Town building to showcase how these panels can best be integrated into the design and architecture of buildings on our island.
    - **Additional alternative:** Work with the Riverstone team responsible for the new Andell West development to explore options for such showcase installation

- ▶ Community members with interest and experience in this matter should please come forward to join the overall Work Group.

### **Mr. Jordan provided a review of the Environmental/Wildlife Department Action Plan:**

- The TOKI Environmental & Wildlife Department, in conjunction with the Environmental Committee, is committed to starting several new activities after completing the current fieldwork in mid-March:
  - ▶ Continue well-received communication activity with the community about ongoing wildlife protection measures with bobcats, birds, alligators, etc. - **Ongoing**
  - ▶ Increase activities to educate the community on actively participating in wildlife protection measures:
    - Avoid or minimize certain pesticides and fertilizers - **Creating a web page on a new website (part of Grow Native)**
    - Provide protective environments for certain species (e.g., certain birds) - **Flockwatch, creating new web pages for attracting birds to your backyard, how to for building and installing nest boxes, etc.**
  - ▶ Work with the Conservancy on developing solutions to reduce the use of pesticides and fertilizers on the islands' golf courses - **Discussions with the Conservancy underway**
  - ▶ Support efforts of other TOKI departments to:
    - Implement protective measures for our marshland (e.g., erosion protection, permeable surfaces, restricting access to certain endangered marsh areas) - **Ocean Woods driveway switch to pavers, Kiawah Bridge Marsh Restoration update**
    - Develop and implement a new Landscaping & Tree Protection Ordinance - **Preliminary discussion with Planning Workgroup on April 5**
- Kiawah River Bridge Marsh Restoration
  - ▶ Potential FY 23-24 Conservancy project
  - ▶ Stabilize bank, promote oyster recovery, and vegetation growth
  - ▶ Need to ensure compatibility with future Town plans for this area
  - ▶ Ideas
    - Eliminate public access to the river, add an overlook
    - Improve public access to the river, build a dock
    - Limit to emergency parking

### **Councilmember Heidingsfelder reviewed the projects that have been assigned to Council Members:**

#### **➤ Ordinance & Regulation Review Project**

- ▶ The Town Council decided to create a workgroup of Town staff and Council members to step-by-step review existing ordinances and regulations of the Town.
- ▶ The purpose and focus are to ensure that the catalog of ordinances and regulations are up-to-date, practical, complete, easy to execute and enforceable, maybe obsolete or too bureaucratic or limited in scope, and certainly lawful
- ▶ The Work Plan and Team have been finalized.
- ▶ Start of activities in mid-April with a first workgroup meeting ... then start of the review of:
  - Quick fixes found in recent weeks/months or highlighted by community member comments
  - Then execution of the first batch of ordinances
- ▶ The timeline of the project will reach at least to the end of 2023, probably into 2024
- ▶ Community members with interest and experience in this matter should please come forward

#### **➤ Volunteer Appointment and Support Policy**

- ▶ The Town Council relies heavily on the involvement of community members in various Boards, Commissions, Committees, and various Work Groups. To ensure we provide a fair, supportive, legally safe, and motivating environment, we have started to work on a Volunteer Policy entailing:
  - Structured interview and appointment process
  - Detailed onboarding process for new volunteers—and ongoing training for select volunteer positions
  - Transparent and detailed definition of roles and responsibilities (Mission Statement, Rules of Engagement)
  - Proper supervision and support for each volunteer
  - Fair and equal treatment of all volunteers across the organization
  - Proper ethical and confidentiality behavior
  - Implementation of constructive problem-solving and complaints procedures
  - Care for the safety and health of volunteers when engaging in their tasks
  - Term limits for volunteer positions

#### **➤ Kiawah Heritage Concept**

- ▶ The Town Council is considering creating a first concept for a Kiawah History or Heritage Museum with the purpose of educating the community, visitors to the island, and surrounding schools about the rich history of our island over the past several hundred years:
  - **First contacts** to a knowledgeable community have been established. More will be necessary.
  - **First concept** for this venue would include topics like:
    - Proposing a proper location for the museum (e.g., Freshfields, entrance to the island, ...)
    - Considering using the old schoolhouse (maybe with some additions) as the venue (relocating from the current site)

- Outlining a general concept for the venue (displays, artifacts, media, ...)
- Defining with whom the Town will partner with for the curating tasks of such a museum
- Estimating funding and operating costs
- **Timing for first draft proposal:** Approx. May 2023
- **Re-start of discussion** with the current owner of the old schoolhouse across from the Town Center as a potential building for this idea (to be relocated)

- B. To Consider Approval of *Ordinance 2023 – 02 - An Ordinance To Amend Chapter 12 – Land Use Planning And Zoning - Article II. – Zoning - Division 5. General Procedural Requirements. Section 12.156. – Public Hearing Procedures. Second and Final Reading***

***Councilmember Heidingsfelder made a motion to approve the second and final reading of Ordinance 2023 – 02 - An Ordinance To Amend Chapter 12 – Land Use Planning And Zoning - Article II. – Zoning - Division 5. General Procedural Requirements. Section 12.156. – Public Hearing Procedures. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.***

**X. New Business:**

- A. To Consider Approval of *Ordinance 2023 – 03 An Ordinance of The Town Council of the Town of Kiawah Island Authorizing And Directing The Town Of Kiawah Island To Enter Into An Intergovernmental Agreement Relating To South Carolina Local Revenue Services; To Participate In One Or More Local Revenue Service Programs; To Execute And Deliver One Or More Participant Program Supplements; And Other Matters Relating Thereto. – First Reading***

Ms. Szubert stated the ordinance to update some language in the Town’s agreement with the Municipal Association. Business license law Act 179 created the unit within Municipal Association that collects business licenses. With Act 176 of 2020, the General Assembly standardized business licensing in SC. Following the adoption of this act, the MASC provided a revised model business license ordinance. Every municipality in the state has adopted a revised business licenses ordinance based on Act 176 and the new model ordinance.

We currently participate in all three programs that they offer. Instead of the Town collecting business license fees from insurance companies, insurance brokers, and telecommunication companies, they go to the state. And then, the state remits the money to the Town. Last year we collected \$526,000 from those three programs. This agreement has existed, just cleaning up the language for the new program names and the new organization that collects the money now.

***Councilmember Heidingsfelder made a motion to approve the first reading of Ordinance 2023 – 03 - An Ordinance of The Town Council of the Town of Kiawah Island Authorizing And Directing The Town Of Kiawah Island To Enter Into An Intergovernmental Agreement Relating To South Carolina Local Revenue Services; To Participate In One Or More Local Revenue Service Programs; To Execute And Deliver One Or More Participant Program Supplements; And Other Matters Relating Thereto. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.***

- B. To Consider Approval of *Ordinance 2023 – 04 An Ordinance To Amend The Town Of Kiawah Island Municipal Code Article 3 - Elections, Chapter 1 - Election Of Mayor And Council, Section 3-104 - Time Of Election: Public Notice – First Reading***

Last month we had a special presentation from the head of the Election Committee, who presented a number of very interesting statistics relative to the results of elections in even years and odd years. When the municipality had it on a year linked to state and federal, the participation was lower. The Governor, as we understand it, the Legislature is supposed to be making a change to take away the option that municipalities have, relative to having their election on even years, which is what ours is, even years, and move them to odd years.

After that presentation, I asked Ms. Tillerson and Mr. Wilson to prepare an ordinance so that we, collectively, are in control of that and not wait until the Legislature, the Governor, makes a decision that could impact us one way or another. Ordinance 2023-24 would amend our elections from even to odd, and the effective date would be 2025, effectively extending our terms by a year.

***Mayor Pro Tem Moffitt made a motion to approve the first reading of Ordinance 2023 – 04 - An Ordinance To Amend The Town Of Kiawah Island Municipal Code Article 3 - Elections, Chapter 1 - Election Of Mayor And Council, Section 3-104 - Time Of Election: Public Notice. Councilmember Heidingsfelder seconded the motion.***

**Mayor Pro Tem Moffitt** - pointed out that at the with the guy from the Municipal Association, was that if we do nothing and this law passes, and the governor signs it, one of the conditions in that law is that you cannot extend terms, you can only draw them closer in. So, if this law gets signed in May or June, which is what the anticipation is, we would have to have an election in November 2023. ... which is around the corner. And, the feeling was with as many things as we kind of signed up for in the Retreat that we want to try and get accomplished, we were way better served to extend a year to try and get all of those things done than to campaign for the last several months rather than do anything.

**Councilmember Heidingsfelder** - I can understand that this could be controversial and maybe also a disappointment for those who would love to put up their names for the next election this year. But, as you said, John, I think we have now committed ourselves to so many topics that we are juggling. And I think the community gets only a glimpse of the time we are spending on them as volunteers here, and I think we really want to bring this to a fruitful completion.

Being new to this, I also observed that it is always a challenge for the staff to deal with new council members. There are new ways of doing things and more demands and doing things differently. So, I think it would also be a huge burden on the staff to have only a year of us and potentially new people they have to work with again. And then, I think we really don't want to disrupt what we are trying to do here because then in September, October, or November, there would be nothing else than campaigning and not really hard work. I think we want to, and we are committed to this hard work. So, I would also like to approve this ordinance.

**Councilmember Belt** - I fully support moving to odd-year elections for the reasons outlined by the Charleston County representative at the last meeting. Notwithstanding, which I think are very valid comments made by my fellow council members, I feel very uncomfortable about usurping the electorate's role in our deciding to extend our terms.

Notwithstanding the fact that I understand that the Attorney General has opined that we have the authority to do that. What we had understood from the representative of Charleston County and what would happen if the state mandated that we moved to elections is that it would extend terms. But then, it's a mandate imposed by the Legislature. I would be personally more comfortable allowing the voters to make a choice as to whether they want to have us extend our terms beyond what they had already voted on.

And, with regard to me, I'd be up in the fall and have less than one year term. But on the other hand, if the voters thought I was doing a poor job, that's an opportunity to replace me. If I decided to run again and they thought I was doing a good job, then I would have the opportunity to be reelected. For that reason, I would move to amend the last paragraph and go ahead and move to all odd years but shorten the term rather than lengthen it by one year.

**Councilmember Heidingsfelder** - I think I understand what you're saying and where you're coming from entirely, but I think what convinced me to be okay with the extension is that ever since this topic was brought up, there was no concern voiced from the community. I had not one single email. I had no question in the drop-in meetings in my meeting last week, and I haven't heard anything on that stand last time or at the beginning of this meeting. So, I would allow myself to take that as a quiet vote or silent vote that the majority of the community would be okay.

**Councilmember Belt made a motion to amend Ordinance 2023 – 04 to shorten the term rather than lengthen it by one year. With no second, the motion failed.**

**Following the discussion, the motion was approved by a 4 to 1 vote. Councilmember Belt abstained.**

Mayor Labriola stated the following three items, the Beach Service Franchise Agreement, OSD landscaping proposal, and the AirMedCare contract, were discussed and recommended for approval at the Ways and Means Committee meeting.

**C. To Consider Approval of the Beach Services Franchise Agreement with Island Beach Services**

Mayor Pro Tem Moffitt stated the first item is a recommendation from the Ways and Means to adopt the franchise fee from Barrier Allen Beach service. They're the chair and umbrella provider, which is for \$330,000 or 30% of sales, whichever is greater. And I understand it's been several years since they paid only \$330,000. It's been up around \$380,000, at least in the last year.

**Councilmember Berner motioned to approve the Beach Services Franchise Agreement with Island Beach Service. Councilmember Heidingsfelder seconded the motion.**

Councilmember Belt stated that an issue was raised during the Ways and Means committee meeting, and the promised change was not made. I refer to the agreement page, which has the proposed franchise fee. It's 330,000 or 30%, whichever is greater. Our understanding at the Ways and Means Committee was that it would be revised to be 330,000 or 30% of gross receipts, whichever is greater. And that change was not made to the agreement.

Ms. Tillerson stated that the change would be made to the contract the Mayor would sign.

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

**D. To Consider Approval of the Landscape Proposal from Outdoor Spatial Design**

**Mayor Pro Tem Moffitt** stated the second one is a landscaping proposal. And it's actually not technically for landscaping; it's really for landscaping planning. And there are three components to this one. And then, there's a little fourth kind of a sub-component. So, the first three are to provide us with a spatial presentation, kind of not construction drawings, but a conceptual drawing of the Kiawah Island Parkway comprehensive landscape plan. And, it's for the part of the parkway that we didn't include in the original Parkway Landscaping from the traffic circle to the Freshfields to work on cleaning that up a little bit.

And then the second one is for an area back here behind Town Hall building for a rain garden and a grow native trail. And then the third and probably the most important of the three is the conceptual design for the Beach Walker Drive landscape enhancement.

And, I would say that for the first two, what they're going to do is they're going to provide the Town with a conceptual plan. And then, our landscape company is going to install actually then based on that conceptual plan, along with the people that are doing this plan. On the Beach Walker Drive landscape enhancement, the agreement we had, at least in the Ways and Means Committee, was that one of the first steps, if we approve this, will be for the landscape architect to actually walk that Beachwalker Drive with representatives from the communities, along Beach Walker so that everybody can be satisfied that what we're going to do along those areas that are really not very attractive is acceptable.

Whether it's simply putting pine straw down in certain areas or planting a bunch of bushes or something that screens, there'll be a kind of test walk on what that will look like. But then, because that one is so significant, the architect is going to provide construction oversight as that planting is done. So whatever this walk generates in terms of the plantings, he'll ensure that it's actually executed that way. And so, the total fee for this is \$29,005 to do those three projects.

**Councilmember Belt** - I socialized with some of the members of the Beachwalker community, and the streamlined process, given the lack of attention that's been paid with regard to Beachwalker, I think is appreciated. And I would just note one other thing that we would essentially carve out and will identify the areas on the east side of Beachwalker Drive on the island side. Basically, from the general store to the entrance to the Key Island community, as well as from where the utility stuff is to the Beachwalker Park on that side, will essentially be carved out from this plan.

**Councilmember Heidingsfelder made a motion to approve the Landscape Proposal from Outdoor Spatial Design. Councilmember Berner seconded the motion.**

**Councilmember Heidingsfelder** - I wanted to update you that I have received quite a bit of communication from community members about this particular topic. In particular, their interest that we are doing it right this time. So, I would look at more options, let's say it this way. And I feel that similar to including the neighboring communities in the Beachwalker Drive topic; we should also consider or ask the OSD to please hold a community meeting at a given point of phases one, two, and three. So that community members can provide input on how they would like to see the planting develop along Beachwalker Drive and along Kiawah Island Parkway.

**Ms. Tillerson** stated if we want them to do a community meeting, we're not paying for that cost in the proposal. I'm sure they're willing to do that, but they may do it at no cost or add a small additional cost to add community meetings. And we also added the Causeway into this proposal because I did talk with SCDOT, and so we just need to show them a plan.

**Councilmember Heidingsfelder** - I would really like to invite the community to participate here in both of these aspects of the project or all three, actually. Even if somebody's really interested in the Rain Garden and the native trail here around the Town Hall building to really participate. Also, regards Beachwalker Drive. Please also make sure that somebody from the Kiawah Partners is involved in that because they own a substantial stretch of that east side.

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

**E. To Consider Approval of the AirMedCare Contract Renewal**

Mayor Pro Tem Moffitt stated that the last one is the AirMedCare renewal. We have a contract now with the service to provide helicopter medevac services to all of the residents of Kiawah. And, a resident is really just somebody that owns a home, not necessarily somebody that has it as their primary residence. It's \$8,163, and basically, it provides free helicopter medevac services that otherwise would cost- I don't know how much, but a lot. We used it twice last year, and we figured that the cost of those two trips was probably three times what our premium is for this. So, this is a service that the town provides to its residents or property owners, and we just want to renew this contract at the same price as it has been.

Mr. McAden provided an overview of the services provided by AirMedCare under the Municipal Program provided to Kiawah and the option for a resident to upgrade to full membership.

**Councilmember Heidingsfelder made a motion to approve the AirMedCare Contract Renewal. Councilmember Berner seconded the motion, and it was unanimously approved.**

**Councilmember Berner made a motion to amend the agenda to move Citizen's Comments before the Executive Session. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.**

**XI. Citizens' Comments:**

**Tim Hazel, 283 Governor's Drive** - I would like to quickly to your point, Mr. Belt, adding that there have been mistakes made. The town, its planning department, and the approach that they have taken to enforcing the ARDA has not been consistent with the terms of the law or the contract itself. And, I would hope that you would listen to the concerns, albeit of nasty lawyers who just happened to have residents on the island. But I would hope that you would take our comments and look at them in a productive way, not in a destructive or nasty way. Because I think that we're all hoping to get to the same point, and that is to get a citizenry that is comfortable with the way things are done. And, currently, you don't have that. And, I would say that the problem with that is going to be the next developer who comes down the pipe, whether it's over here at Andell or elsewhere. We are going to be very concerned and maybe not fair to that next developer. So, I would encourage you not to stiff-arm comments, especially with respect to concerns that we have. And in particular, 134 Blue Heron Pond. Things weren't done properly. Things can be fixed, but there doesn't seem to be a desire to fix them.

**Brad McIlvain, 146 Blue Heron Pond Road** - To follow up on the comments from Councilman Belt and Tim Hazel. I think it's been a problem with a lot of Kiawah institutions and having served as a KICA board member for three years, I can say KICA had the same problem. There's such an effort to convince people that whatever was done was right. And, if you spent the time trying to argue why it was right, as opposed to just fixing the problem, you could actually fix the problem and get more credibility. And I know KICA had the problem. I see it with the town as well. And I would encourage you; what I've always said is if you have two pathways, if you have a pathway that is clearly legal and you have a pathway that is questionably legal, don't go questionably legal. Go clearly legal; as a public body, do what is clearly legal. We shouldn't be arguing about what may be legal. We should be arguing about what is clearly legal. And that's what I think a town; I suggested that KICA do it as well, and hopefully, they will do it, but I think that's something that's important for public bodies to embody.

**Dave DeStefano, 31 Burroughs Hall** - I have three items that I want to touch on. One, I've seen on the agenda from the Public Works thing, is about charging stations on the island. KICA has addressed that there's no place for them. If you own a home, you can cut your own charging station. If the regimes need them, they have to do it on their own. There's just no place to put them; we've already addressed it. The Resort may want to do something. That's entirely up to them. So there's really no place to put them, there's no parking place to put them, et cetera. So I think that should be left up to KICA.

With respect to the issue of whether to increase the term for a year or backing it off a year, Mike, you said you hadn't gotten any comments on it. I was at the last meeting when they talked about it. The first time I learned that

there was actually going to be a vote on it was when I walked in here today. So I think if we had publicly known there was going to be a vote on this or discussion on this sooner, you might have had some comments on that because most of the people I talked to said, "Just reduce it, keep everybody happy."

With respect to the sheriffs, I don't know if the towns had the meeting. We had a meeting with the Sheriff the other day. We're actually going to have more coverage than we have now. So I don't know if they've talked about it, but they have a special... This is going to be District 11 from 7:00 AM to 7:00 PM, and it's just that they determined that we're not going to have any sheriffs out here based upon what we were told is not accurate.

**Mayor Pro Tem Moffitt** - We've never said we're not going to have any coverage. The District 11, as opposed to having dedicated sheriffs for Kiawah, which is what we had contracted with, we'll be part of a larger district that runs from Kiawah, Seabrook, all the way to Edenvale. There will be potentially X number of deputies in that district. That's the same number of deputies that patrol that area now, but we also have, additionally, two dedicated sheriffs. So the issue isn't whether we will have coverage? The bigger issue is if we need a sheriff, what's the response time? It doesn't matter where they are on the island. It is less time than if they are at Edenvale. And that's the concern is that the Sheriff doesn't have to provide coverage on Kiawah. The Sheriff says whatever you want to hear, but the fact is the Sheriff won't have to provide it on Kiawah.

**Todd Boney, 3532 Shipwatch, a board member of Preserve Kiawah** - I know the last thing you're looking for is additional work, but I do have a suggestion. And I am concerned that the island is woefully unprepared for a catastrophic event. I know that the town has done some work. I guess I wonder if the Town can do some work with KICA to make sure that the community overall is prepared for a catastrophic event.

I'm on the board of the Seascape Regime. We just found out that our deductible, our retention's going to go from roughly \$800,000 to over \$2 million, and we're trying to work with our homeowners to help them understand how a condominium policy may include coverage for special assessments in the event of a catastrophic event, a named hurricane.

That, to me, is an example of how we as a community can be, I think, doing a better job of educating homeowners. I think there's an assumption that in the event of a catastrophic event, that the community has sufficient deep pockets personally and as a community to deal with it. I guess, I question whether that's the case. I question that for KICA quite frankly, and I questioned it as individuals.

So I just wonder if there are things that the town can be doing to educate the community. If your house was built before X date, you probably don't have the right windows in place. If there's an email chain going around right now about education efforts or about having to replace your roof, these are things that I think we can get homeowners out in front of. I think the total cost of ownership of the island is definitely going up in large part because of increased property insurance. So I just ask you to consider doing something.

An example would be, I'm sure, that there would be some organization that could model the likely impact of a cat 2, 3, and 4 hurricanes on the island, which would allow us to think through what needs to be done. A prior Councilmember has mentioned that the Town does have in place a program to get the Causeway Bridge replaced and up and running if it was destroyed in a month. Can you imagine what the island would be like if it took 30 days for homeowners to get access to their homes after a catastrophic event when they couldn't get there for 30 days? And I just bring that up as an example.

Shannon White has mentioned that there aren't a lot of companies that provide bridge maintenance and support in the Charleston area. I would wonder, is the firm that you contracted with the same firm that Kiawah uses? Is it the same firm that other communities in the area utilize? And are we all, in a sense, dependent upon, just by way of example, a single firm that is incapable of dealing with our needs?

So again, you're doing a lot of great work here, guys, and I commend you for it, but it's tough to put your time into something, preparing for something we all believe, and we hope, at least, won't happen, but I do think there are some things that the town can do to help educate and prepare the community in case we do face a catastrophic event.

**Maura McIlvain, 146 Blue Heron Pond Road** - One, I didn't stand up and complain about any ordinance to extend your term because I'm not sure what you guys were supposed to do. I listened to the gentleman from the county, the lawyer who explained what the legislation may say and may do to you if they pass it before you do something. So you either were going to truncate everyone's term by a year, or you were going to extend it. So I don't know what you guys were supposed to do, but I didn't stand up because I thought it was as reasonable a solution as any because it was kind of a parade of horrible when he explained it. What could happen if you did nothing? So I'm happy you did something.

We didn't hear an update on the ARB task force. So sometimes, I think the community would like to know where that is going. I'm sure you're all aware of the demand letter that went to KICA, and that's an issue that I know. I

know that it didn't go to the Town, but of course, it very much involves the Town because it involves the interpretation of your Amended and Restated Development Agreement and a provision in the waiver section 18 A and what it means and just throwing it out there. That same development agreement, the last paragraph, allows you, the Council, to request an interpretation by an arbitrator if there comes to be an interpretation dispute between you and the counterparty, the developer, to what that document means or a phrase in the document means or what it should be interpreted to mean. I throw that out just as a possible alternative. I don't know whether it's one you want to engage in or consider.

## **XII. Executive Session:**

- A. Executive Session Pursuant to Section 30-4-70(a)(2) – Contractual, Real Estate Building and Site located at 1 Kiawah Island Parkway. To Discuss the Negotiation of the Purchase and Site of the Kiawah Island Real Estate Office**

***Councilmember Berner made a motion to go into executive session pursuant to section 30-4-70 contractual real estate building and site located at 1 Kiawah Island Parkway to discuss the negotiation of the purchase and site of the Kiawah Island real estate office. Mayor Pro Tem Moffitt seconded the motion.***

**Councilmember Belt** - What it is that we are going to be discussing an Executive Session and then what it is that we are intending to do under new business. It was my understanding that we were going to and were presented a draft letter of intent that we would discuss and that would have terms that we would discuss amongst ourselves in Executive Session and agree on to send to, as a first step, a non-binding letter of intent. But that's not what the new business item says.

**Mayor Pro Tem Moffitt** - If we go, the first thing we should do is make sure we know why we're there. And if we can't clearly define that, then we should come out. I'm not far off from you there.

**Councilmember Heidingsfelder** - I would like to make a few statements for the record about this. In partially repeating what I said earlier, but also to reinforce, I really want to make sure the community understands that what we are discussing here, both as it relates to the Kiawah Island Real Estate building but also the intersection and the Upper Beachwalker Drive and all of the topics that we have started to elaborate upon is in an exploratory phase, there are no decisions, there are no final concepts, there are no deals of any kind. We are just starting to look into this. We had very productive meetings with the partners about this because they are the core counterpart on this. I hope that we will have the same productive meetings with KICA going forward, but I really want the community to understand that this entire area and what we are going to do with it is currently a once-in-a-lifetime opportunity.

If we let this go, then we will probably never have a chance to fix our traffic problems, and for the rest of our lives on this island and the lives of our children and grandchildren, they have to look at a certain build-out of the Upper Beachwalker Drive parcels. So I think we have an opportunity here. I would like to ask the community for the trust in what we are trying to accomplish and in our clear intentions to involve the community in any further step from here onwards. We have explored, we have tried to find out if there is something we can accomplish here. I think we are more and more getting to this point where we have that opportunity, and then it's the step forward. And I think this letter of intent, and Brad, we are exactly on the same page here on what that letter of intent should really entail.

That's a very important step because we want to explore, "Is this really something now that we can accomplish? Is there a chance to have a reasonable price for this building?" Because we believe at the moment it could really be absolutely essential for solving these problems, then it's worth to spend our time and our money and going into very detailed due diligence and traffic studies and bringing in whoever has something knowledgeable to say about these things. That's the important part. But I want the community to understand if we don't use this opportunity right now, what's the alternative? And the alternative is that we will probably never again have a chance to fix our traffic problems. And we have to face the entitlements of the property owners along the Upper Beachwalker Drive, and what they are entitled to was approved. Unfortunately, from my point of view, in the planning commission a couple of months ago, as it relates to density and building heights, et cetera, up to 90-something dwelling units, that's the alternative.

If we don't do anything, if we are not willing to compromise, that's what we are going to face. No solution for traffic and a significant violation of aesthetics on Upper Beachwalker Drive. So looking at the Kiawah building gives us a lot of interesting opportunities. The biggest one, of course, is to be able to use land from that property to mitigate traffic. That's probably the biggest topic. Now, we don't know that we are speculating here, and we need the advice from experts, but just looking at the map and looking at some very preliminary drawings, as the Mayor



said earlier, there's an opportunity that's what we want to explore. The office or the building itself could be used in multiple ways. And I think, as I said earlier, the past issuing has probably become less and less attractive because we are understanding that there are much better solutions for that.

But it can be used by us; it can be used by KICA. You will remember the discussion on IKEA about moving certain activities to this building. So I think there is a multitude of options for us, to the town, for KICA. We can think about this history or heritage museum that would find a place there. It's a lot that we can do with this. We need to figure it out, I agree, but we need to have the opportunity to figure this out.

And then, as it relates to Upper Beachwalker Drive, I think we will have the opportunity, and that's why it is linked together to have a different concept that we can agree upon in the plant development with the Kiawah Partners of mixed-use, residential, office, amenities, and all of this resulting in a notable reduction of dwelling units, building heights, significant increase in setbacks, less curb cuts, etc.

***Following the discussion, the motion to go into Executive Session was unanimously approved.***

***Mayor Pro Tem Moffitt made a motion to come out of Executive Session. Councilmember Berner seconded the motion, and it was unanimously approved.***

**XIII. New Business:**

- A. To Authorize the Mayor to Negotiate the Purchase of the Kiawah Island Real Estate Building and Site located at 1 Kiawah Island Parkway**

***Councilmember Heidingsfelder made a motion that Councilmember Belt and Mr. Wilson draft a letter of intent for the Kiawah Island Real Estate property, ideally by separating out the property versus the property plus the building and that the Town Administrator update the independent appraisal to today's value. Councilmember Berner seconded the motion, and it was unanimously approved.***

**XIV. Council Member Comments:**

None

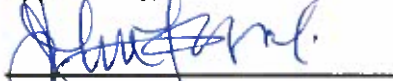
**XV. Adjournment:**

***Councilmember Heidingsfelder made a motion to adjourn the meeting at 5:58 pm. Councilmember Berner seconded the motion, and it was unanimously approved.***

Submitted by,

  
Petra S. Reynolds, Town Clerk

Approved by,

  
John D. Labriola, Mayor

Date