

MAYOR:
John Labriola

TOWN ADMINISTRATOR:
Stephanie Monroe Tillerson

TOWN ATTORNEY:
Joseph Wilson



TOWN COUNCIL MEMBERS:
John Moffitt
Bradley D. Belt
Michael Heidingsfelder
Russell A. Berner

TOWN COUNCIL
Municipal Center Council Chambers
August 1, 2023; 1:00 pm

AGENDA

- I. **Call to Order:**
- II. **Pledge of Allegiance**
- III. **Roll Call:**
- IV. **Approval of Minutes:**
 - A. Minutes of the Town Council Meeting of June 6, 2023 [Tab 1]
 - B. Minutes of the Town Council Meeting of July 11, 2023 [Tab 2]
 - C. Minutes of the Town Council Public Hearing of July 11, 2023 [Tab 3]
- V. **Updates:**
 - A. Mayor
 - B. Council Members
 - C. Administrator
 - D. Attorney
- VI. **Citizens' Comments (Agenda Items Only): Limited to 30 Minutes**
Each speaker shall be limited to five minutes
- VII. **Presentation:**
 - A. Health & Wellness Village (Betsy Kerrison Parkway) - Presenter: John Skerchek, Developer
- VIII. **Old Business:**
 - A. To Consider Approval of the Proposal from Elko Consulting to Conduct a Feasibility Study for Improvements to the Kiawah River Public Access [Tab 4]
- IX. **Consent:**
 - A. To Consider Approval of **Ordinance 2023-08** - An Ordinance To Amend The Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Division 3 – Provisions For Flood Hazard Reduction, Section 14-173 - Special Standards – **Second and Final Reading** [Tab 5]
 - B. To Consider Approval of **Ordinance 2023-09** - An Ordinance To Amend The Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Division 3 – Provisions For Flood Hazard Reduction, Section 14-178 – Elevated Buildings – **Second and Final Reading** [Tab 6]
 - C. To Consider Approval of **Ordinance 2023-10** - An Ordinance to Amend the Town of Kiawah Island Comprehensive Plan Map IX.2, Future Land Use; to Change the Future Land Use Designation for the Subject Property (209-06-00-344) From “Commercial” to “Active Recreation and Open Space - **Second and Final Reading** [Tab 7]

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

- D. To Consider Approval of **Ordinance 2023-11** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning, Article II. - Zoning, Division 2. - Zoning Map/Districts, Section 12-62. – Zoning Map by Rezoning the Property (209-06-00-344) From the “Commercial” (C) Zoning District to the “Parks and Recreation” (PR) Zoning District of the Zoning Ordinance of the Town of Kiawah Island, South Carolina - **Second and Final Reading**

[Tab 8]

X. New Business:

- A. To Consider Approval of **Resolution 2023-02** - A Resolution to Adopt the Town of Kiawah Island Volunteer Policy

[Tab 9]

- B. To Consider Approval of **Ordinance 2023-12** - An Ordinance to Amend The Town of Kiawah Island Municipal Code Article 2. - General Government and Administration, Chapter 3. – Meetings of Council and Rules of Procedure; Ordinances and Resolutions, Section 2-308. – Appearance of Citizens

[Tab 10]

- C. To Consider Approval of **Ordinance 2023-13** - An Ordinance to Amend The Town of Kiawah Island Municipal Code Article 4 – Finance and Taxation, Chapter 4. – Purchasing, Sections 4-412. – Sole source Procurement and 4-415. – Professional Services

[Tab 11]

- D. To Consider Approval of the Engagement Agreement with McCullough Khan Appel

[Tab 12]

- E. To Consider Approval of the Proposal for Municipal Center Janitorial Services

[Tab 13]

- F. Discussion and Approval of the Proposed Kiawah Island Parkway Roundabout Concept in Relation to the Andell West Project

[Tab 14]

- G. Discussion of the Benefits/Costs Analysis Alternatives on Kiawah Island Parkway & Beachwalker Drive Intersection Improvements and the Next Steps - Dillon Turner

XI. Council Member Comments:

XII. Citizens' Comments:

Each speaker shall be limited to five minutes

XIII. Adjournment:



TAB 1

TOWN COUNCIL

Agenda Item

TOWN COUNCIL MEETING

Municipal Center Council Chambers

June 6, 2023; 1:00 pm

Minutes

I. Call to Order: *Mayor Labriola called the meeting to order at 1:00 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

Also Present: Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney
Dorota Szubert, Finance Director
Craig Harris, Director of Public Safety

Mayor Labriola stated two changes were made to try to be more efficient and timelier in the Town meeting, the Town Council meeting time has changed to 1:00 pm, and the Citizens' Comments items are limited to 30 minutes, which is part of the Municipal Code.

IV. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of May 2, 2023

Councilmember Heidingsfelder made a motion to approve the minutes of the Town Council Meeting of May 2, 2023. Councilmember Berner seconded the motion, and it was unanimously approved.

B. Minutes of the Special Call Town Council Meeting of May 15, 2023

Councilmember Berner made a motion to approve the minutes of the Special Call Town Council Meeting of May 15, 2023. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.

C. Minutes of the Town Council Public Hearing of May 22, 2023

Councilmember Heidingsfelder made a motion to approve the minutes of the Town Council Public Hearing of May 22, 2023. Councilmember Berner seconded the motion, and it was unanimously approved.

V. **Updates:**

A. Mayor

Mayor Labriola stated that in response to the posting of the Town Council agenda on Friday, Council had received many notes, comments, and letters in response to the agenda item dealing with the Upper Beachwalker Drive project. Council will discuss the project but clarified that there is no vote to be taken relative to approval of that project. Those who wish to make a citizens' comment may also want to hold comments until after the discussion.

B. Council Members

Councilmember Heidingsfelder re-emphasized the Mayor's statement that the Upper Beachwalker parcel topic will be discussed later in the meeting. The discussion creates a starting point for the process of community involvement and debate, proper review by the Planning Commission, and, if necessary, review by the Board of Zoning Appeals.

Councilmember Heidingsfelder stated it was never intended to be a done deal and that back in March, the Community was told that Council would be considering whether or not it was worth trying to convince the partners to change their concept for these parcels. He indicated that Council had now reached the point of deciding if it was worth moving forward and clarified that the agenda item was that discussion.

Councilmember Heidingsfelder provided updates on the following:

- Members of Town Staff and the Code Enforcement Team are trying to guide traffic at the first gate in the mornings to mitigate traffic backups.
- The leisure trail crossing safety improvements have been made at the Beachwalker Drive crossing by redoing the road signage and the installation of preliminary signage. He and Councilmember Berner have worked on details that are in discussion with KICA and the ARB but also felt that other leisure trail/main road intersections required better signage and safety measures.
- The Code Enforcement Team has been instructed to help mitigate weekend traffic at Beachwalker Park and ensure no parking violations.
- Kiawah Goes Green Initiative has begun.
 - The first meeting included stakeholder representatives from KICA, the Resort, the Kiawah Island Club, the Conservancy, and Riverstone, and we now have developed a very detailed plan of ten projects. The teams will start working on the projects next week with the expectation that some projects will be implemented relatively soon, over the next couple of months, while some will probably take longer to implement fully.
 - A Federal Grant application to get financial support for the EVS charging stations outside the main gate should be submitted by the end of the week.
- Roger Warren and his team removed the fence along the old Inn property.
- Street sweeping along the Kiawah Island Parkway and Beachwalker Drive will start soon.
- Work on several policies and guidelines will be shared with the Community soon.
- Councilmember Heidingsfelder and Mayor Pro Tem Moffitt swapped responsibilities related to the ARB and the ordinance review workgroups.

Councilmember Heidingsfelder personally apologized to the Community for changing his vote on the SATAX funding for the USGA Amateur Golf Tournament at the Kiawah Island Club. He indicated that he was under the impression this money would be used to inform the public the tournament was taking place so that people could come to the island and enjoy the tournament. None of this had been done, so in the aftermath, he clearly believed he made a mistake with that vote.

Councilmember Heidingsfelder stated that over the months that community members would like the Town to work better with other stakeholders. He noted that several attempts have been made to reach out to the KICA Board. Although the efforts have not been successful, he is still working on it.

Councilmember Heidingsfelder stated that the next Community Drop-In meeting would be Wednesday, June 14th, from 2:00 pm to 4:00 pm at the Sandcastle. The day, time, and location were changed based on the received requests.

Mayor Pro Tem Moffitt stated that the review of the ordinances would begin in July. He expected a great deal of work to be done during the month and would provide updates as meetings occurred.

Mayor Pro Tem Moffitt recounted an incident while on the Beach with his family where a young boy stepped on a stingray, got a barb stuck in his foot, and despite assurances from the parents that the pain would go away, it only got worse. Michael Sosnowski, a member of the Beach Patrol, was also at the Beach with his family, but because he is never really off duty, he had his radio on his belt. He saw what happened and immediately called Beach Patrol, who was at the spot within two minutes to soak

the foot in hot water. Mr. Sosnowski indicated in the past year, they had had about a hundred of these kinds of injuries on the Beach during the summer, and were very common in the shallows of the water.

Mayor Pro Tem Moffitt cautioned that if you are with a group where that occurs, number one, call the Beach Patrol; they'll be there very quickly and have the provisions to accommodate the injury. Secondly, don't assume it's only going to go away; it's going to get worse, and third, if you can avoid it, don't step on a stingray.

Councilmember Berner also re-emphasized the comment made by the Mayor and Councilmember Heidingsfelder concerning the Upper Beachwalker parcel. With the misinformation that had been circulating, he received a lot of emails and phone calls. He wanted to re-emphasize that a plan was not being approved and had not been the intent, the Planning Commission and BZA are not being circumvented, and most importantly, the Community is not being circumvented.

Councilmember Berner was alerted to the concerns with the pedestrians crossing over the Parkway and indicated that preliminary improvement ideas had been submitted to the ARB. He also noted the decision was made to place an emergency call box in Night Heron Park.

Councilmember Berner added to Mayor Pro Tem Moffitt's comment about Beach Patrol. He was impressed with how courteous and professional members of Beach Patrol were in dealing with an older gentleman with a glass container on the Beach.

Councilmember Belt provided updates on the following:

- Arts Council -
 - The Arts Council program for 2023 has ended and turned out to be a great season.
 - The 2023-2024 season programs are nearly finalized and look exciting.
 - The single issue that continues to be a challenge with programming is the appropriateness and scheduling of venues.
- Performing Arts Center Feasibility Study -
 - Work on the feasibility study continues with a workshop on Thursday with potential users of a performing arts center and the management consultant who will develop a potential site-building plan.
- Charleston Visitors Bureau (Explore Charleston) -
 - A preview of the International African American Museum before it officially opens at the end of the month, with the potential of scheduling a podcast with Dr. Sylvia Mathews to talk about her background, the museum's history, and the vision.
 - Upcoming promotional activities for Kiawah – shifting the focus of promotions to something more related to the environment, sustainability, and resiliency. A campaign entailing print and video focusing on Bobcats, dolphin strand feeding, sea turtle nesting, the Shorebird Festival, and the Red Knot migration.
- Later this month, the Podcast with Herbert Ames, the managing director of Edens, the owners of Freshfields Village, provided an opportunity to talk about Eden's background, vision for Freshfields, and integration into Andell West.
- ARB Workgroup -
 - Workgroup has been meeting periodically to gather information regarding the framework for architectural review on Kiawah and patterns and practices beyond the legal framework to share with the Community.
 - Release a PowerPoint presentation outlining the findings in the coming weeks.
 - The podcast is scheduled to be produced in advance of the presentation.
 - Community meeting to present the findings and get community input
- Development Related Issues
 - On-Island Development
 - Upper Beachwalker
 - Night Heron Park – proposed rezoning public hearing scheduled for next month
 - Plans to develop the Old Inn site within 12 to 18 months
 - Off Island Development – many on the agenda for John's Island Task Force meeting
 - Andell West

- Potential medical village – scheduled to go before Charleston County Planning Commission in August
- Orange Hill development – Kiawah Partners – scheduled to go before Charleston County Planning Commission Workshop on July 10th – Pending DEHC application.
- Bohicket expansion – tentatively on the Seabrook Planning Commission agenda in July for potential annexation into Seabrook
- Seafields – building permit pulled fairly soon
- Main Road Segment "C" Corridor Project – County staff has been working to reduce the number of alternatives to be considered - further delayed until August or September.

Councilmember Belt stated at the last month's Council meeting, following a presentation by the Town Attorney, he had intended to pose some questions regarding that presentation. At that time, the request was made that the questions be put in writing. Councilmember Belt indicated that he had done so and was now submitting them for the public record but did not intend to substantively discuss it at this time.

C. Administrator

Ms. Tillerson reported on the following:

- The Kestral Court project
 - Working with Carolina Waste to finalize the project
 - Additional signage on equipment operation
- Seafields –
 - The town has completed all the reviews of building drawings
 - Additional zoning information still needs to be submitted to Mr. Taylor

Ms. Tillerson stated that Mr. Taylor could not attend the meeting but asked that she provide the following updates:

- Charleston County's five-year Comprehensive Plan Review Public Workshop is scheduled for June 7th from 5 30 to 7 30 pm at Berkeley Electric Co-op on John's Island
- Night Heron Park Public Hearing scheduled on Tuesday, July 11th
- Traffic counters installed for the annual traffic counts

D. MUSC – Dr. Pat Cawley

Dr. Cawley stated that the new site is at Seafields, across from the original site. The site is a piece of land not being used by Seafields, is owned by Kiawah Partners, and is within the Town of Kiawah. The due diligence process did not produce any significant issues, and the purchase agreement will be completed in the coming weeks. Despite issues with the significant escalation in construction costs, zoning for emergency medicine, and other minor details, Dr. Cawley stressed that MUSC is committed to the site and does not anticipate any problems. Once the purchase agreement is completed, MUSC will start to communicate this project very heavily and anticipate the facility will be up and running two years from this summer.

Councilmember discussion included changes in the building configuration and that, like the original site, the new site would also be a donation by the Partners.

VI. **Citizens' Comments (Agenda Items Only): Limited to 15 Minutes.**

Each speaker shall be limited to five minutes.

Linda Leffler – 60 Sunset Bend – Inlet Cove

Ms. Leffler stated that Inlet Cove or Riverview residents are vested in what happens in the Upper Beachwalker development. Speaking for the owners of Inlet Cove, height and density are two considerations that must be addressed. She was happy that there would be ongoing discussions and asked that the two concerns are considered in approvals as they go forward.

John Grierson – 109 Bobcat Lane

Mr. Grierson stated that he retired from two national home builders, built homes in six states, all different municipalities, and was a developer. He referred to the developers as a well-oiled machine, and they know what they are doing. He questioned if there had been a fully platted plan that an engineer had looked at to show that the roads work, that the lot coverage works, and with no variances given because he could see just on the drawings there are lines over setbacks and these things that go on. Everything starts with that because that's the economic basis for what the Partners are interested in. I'll throw it at you because I think you know the starting point is 66, and I will say that there's a win-win here for everybody right now. There is a reduced plan, you want that to be one parcel, but it's a negotiation, as you guys have said, but there could be a plan with 44 units on it that is economically more viable than what they can build truly by right, not what the numbers say, but what they can truly build. You need to look at that, not just pick an arbitrary number that's a few units less than what they had and say it will look prettier. It goes back to finding a more economically viable plan for them that suits the Community, and you'll have a win-win there. Before you throw out that we don't need to look at it by right and get onto some arbitrary thing, go through the list of all the things that you're asking the Planning Commission to agree to with setbacks. That seems like you've jumped forward and negotiated what the Planning Commission is supposed to engage everybody in the process, so, unusually, you jumped that whole process. I'd ask you to look at that, and if you've had an engineer look at it, I've never seen one; I'd love to see it; you know this is what I did for a living. Then I'd love to sit down and understand the economic impact of that and then how the new Community of what they can have will benefit them as well as us.

John Todd Bonet - 3532 Ship Watch

Mr. Bonet asked if the Town Council, either today or in a follow-up, could outline what the steps are going to be to move forward on Upper Beachwalker. Obviously, we know that, as Planning Commission and BZA, there is an amendment to the development agreement, so if you could outline the steps and timetable. That would be helpful to channel the community discussion as well.

Jerry McGee - 17 Inlet Cove

Mr. McGee wanted to make sure that the planned medical facility that MUSC is committed to doesn't interfere with the other proposed medical facility and that nothing there would give MUSC pause. I'm sure you will make sure that that happens because we wouldn't like to lose MUSC.

Councilmember Heidingsfelder made mention about working together with the Town. I am the Chairman of KICA, and I want to let everybody know that we will do everything we can to work with you (the Town) work with the Resort, and our objective is to be collegial. We have a lot of issues facing us we will not be able to do them all alone; we're going to have to cooperate, and I want to pledge that KICA will certainly be looking for opportunities to cooperate with you and to work with Mr. Warren and the Resort as the many challenges that we're going to face over the next few years confront us.

Gaye Stathis - 288 Marsh Cove Road

Ms. Stathis, in an email to Councilmembers, perhaps, is there any possibility that the Upper Beachwalker Parcels could be bought and put into Conservancy easement? Is there a way to negotiate with the partners to find out what they perceive their cost basis to be in that property and what profit they think they would make given that it would be developed, at some point, into some number of residential units? It's outside the box but not outside the realm of possibilities, and it would be nice for all of us if we didn't have more traffic coming into Beachwalker Drive. If possible, it would be nice to have some amenities on that parcel other than just more residential units. Also, it seems to me that Beachwalker Drive will become a nightmare if it isn't already once the Cape is completed and if you add these residential units. If there's some miracle that could happen and we could buy, not we but a group of stakeholders, could buy the Beachwalker parcels and put them into Conservancy, that would just be that would be for me the win.

VII. Old Business:

- A. To Consider Approval of *Ordinance 2023 – 05* An Ordinance To Amend The Town Of Kiawah Island Municipal Code Article 15 – General Offenses, Chapter 2. - Offenses Against Public Peace, Section 15-209. - Fireworks and Explosives – *Second and Final Reading***

Mr. Harris stated that for the second reading, the extended time for the 4th of July celebration was changed from 12:30 am to 9:30 pm, and the language was simplified.

Councilmember Heidingsfelder expressed his concern that the 9:30 cutoff was too early and may prevent any of the fireworks displays. Ms. Tillerson suggested that the time be changed to 10:30 pm.

Councilmember Berner made a motion to amend the time for the 4th of July celebration from 9:30 pm to 10:30 pm. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.

Mayor Pro Tem Moffitt made a motion to approve the second and final reading of Ordinance 2023 – 05 to amend the Town Of Kiawah Island Municipal Code Article 15 – General Offenses, Chapter 2. - Offenses Against Public Peace, Section 15-209. - Fireworks and Explosives, as amended. Councilmember Berner seconded the motion, and it was unanimously approved.

- B. To Consider Approval of Ordinance 2023 – 07 An Ordinance To Adopt The Fiscal Year 2023-2024 Budget For The Town Of Kiawah Island, South Carolina (7/1/23 Through 6/30/24) - Second and Final Reading**

Mayor Pro Tem Moffitt made a motion to approve the second and final reading of Ordinance 2023 – 07 to adopt the Fiscal Year 2023-2024 Budget for the Town of Kiawah Island (7/1/23 Through 6/30/24). Councilmember Heidingsfelder seconded the motion.

Councilmember Heidingsfelder expressed his concern with the substantial amount of legal expenses accrued in the current budget year and asked to be mindful of the legal expenses in the new budget year.

Following the comment, the motion was unanimously approved.

VIII. New Business:

- A. To Consider Approval to Conduct Surveys at the Beachwalker Drive and Kiawah Island Parkway Intersection**

The Ways and Means Committee tabled the recommendation to conduct the surveys.

- B. Discussion and a Possible Vote of Support**
- Andell West Project

Mayor Labriola stated that a couple of months ago, Chris Corrada, Senior Account Representative for Riverstone, representing the Goodwin family on the Andell West project, currently going through the County's approval process, came to the Town and was looking for its support. He gave a verbal report about the changes, the work done with the residents of Cassique and other entities. It was favorably received, and we said it sounds good; everything looks very promising. Now we have a three-page narrative about the Andell West Community update and a graphic on what it would look like. Mr. Corrada contacted us and would now like our support based on what he has provided us.

Councilmember Heidingsfelder stated he had no questions about the concept. Having been involved in it, I think this is a great concept, and I believe there has already been a lot of support from the Community. But I would like to see Riverstone come to the Community, present the plan themselves and give the Community further opportunity to provide input and commentary. I think that was an agreement we had with Riverstone; I haven't seen that being the case yet. Whether this will be going as a development through the Charleston County processes or otherwise, I think that Riverstone still would be advised to have that community meeting with these new plans.

Councilmember Belt indicated that it might be August that it would go before the County Planning Commission since the project was replated and the process restarted again.

Councilmember Heidingsfelder indicated he was trying to say he would appreciate it if Mr. Corrada came to the Town before it goes into the August County Planning Commission meeting. That's what I think he promised us; he certainly promised it to me, so we still need to see that before August.

Councilmember Belt stated that this was framed on the agenda as a discussion and possible vote of support on the Andell West project. I don't think we intend to take a vote on this. Mayor Labriola stated that we've not had a vote of support because we're not approving the project. I think we're just responding reacting to his request.

Councilmember Belt indicated that he would be very comfortable publicly conveying my support for it. I'm not sure if we need to take any official action. I fully support how it has evolved and think it has been a remarkable testament to the Community and the developer working together to achieve a really good compromise outcome. What I might suggest is, in kind of an appropriate time when this is really before the County Planning Commission for formal consideration, that we consider sending a letter from the Council at that time.

Mayor Pro Tem Moffitt stated that he agreed with Councilmember Belt on this. If you think about the timing and the sequence of events, once he gets it scheduled for the County and potentially comes to the Town to present kind of, what they're going to show the County, that would be the appropriate time for us as a community to voice our support. The way to do that is, as Councilmember Belt suggested, a letter to the County Planning Commission that Councilmembers support what's about to be presented to them would seem to make the most sense to me.

Councilmember Belt indicated his support along with Councilmember Berner, Mayor Pro Tem Moffitt, Councilmember Heidingsfelder, and Mayor Labriola. With the Council's support documented and memorialized in the minutes, he asked Ms. Tillerson to share with Mr. Corrada, and certainly, with those caveats, we want them to come back, the timing of coming back, and the timing of the letter.

- Upper Beachwalker Drive Project

Mayor Labriola began the discussion by referring to page seven of the discussion presentation. We put this page in as a touchstone; rightfully or wrongfully, it can be debated whether or not 97 dwelling units can be built on that site, be that as it may, the maximum allowable development entitlements on these five properties are 97. The aggregate can be debated, but what's important is looking at parcel 8, parcel 9, parcel 10, parcel 11, and partial 12, the 10, 4, 60, and 23 become important. Remember that the maximum allowed development entitlements are on the books.

Mayor Labriola continued to page eight - I thought we made it clear on October 5th of last fall that the Planning Commission approved a preliminary subdivision plat for this possible layout: option one, option two, and key parameters; this was approved. It did not and does not require Town Council approval; it does not require Community involvement; this is approved. The next steps from a preliminary subdivision plat development; are site plan review, which is done by John Taylor, and final plat review, which is done by the Planning Commission. It does not require Town Council approval. This plan, this project, this site plan is on the books right now.

Mayor Labriola and Councilmember Heidingsfelder asked for a meeting with the Developers right after the holidays, letting everyone know that the intent was to see if we could improve that plan. We have had four to five months' worth of meetings with the developers to see how they could respond. They've been very constructive, they've been very positive, they've been very cooperative, and outlined on pages nine, ten, eleven, and twelve are eight concept designs, or concept features that we felt could represent a baseline for a **new** Plan Development District in place of what you saw on page eight.

Mayor Labriola continued to page thirteen - In all the emails I received, no one asked, "Does the developer have to respond and proceed with the application for a Planned Development District" They do not. If the Council overwhelmingly supports the four bullets on page 13, "Does the developer have to respond to our request for support and encouragement," no, they do not. They have already received

preliminary approval in October. They are proceeding in every way toward site plan approval and final plat approval. They have not slowed down their processing to get approval for that project. We are asking them to, not demanding them to; we are encouraging them to have meetings with the Community, the neighborhoods, the HOAs, and all those types of things.

Mayor Labriola stated that he is asking this Council to support the basic parameters discussed and outlined as a positive starting point for the community involvement process to begin, to support the basic parameters as discussed with the Partners towards a Planned Development District solution. They have to apply for that; if they don't apply, it will not happen. We must encourage them to organize various Community input sessions and educate them. All we can do is encourage them. I can't demand it; they don't have to. The last one, we asked them to proceed with the procedures for a Plan Development District with the Town's Planning Commission. I appreciated all the letters and the notes saying don't do this, and I will sit here and tell you I don't know why because if we don't, they will proceed with the site plan and final plan approval.

Councilmember Heidingsfelder - Over the weekend, we've seen so many comments and references also made to Andell West, and I don't understand how these two things compare properly to each other. Here we have five parcels with entitlements that were given to the owners long ago. Nobody in this room was probably even on this island when these entitlements were given. The developer can build on whatever they want, whatever they feel fits their financial statement; that's what it is, period. Andell West is different because everybody in the room will be a future customer of Andell West's properties, restaurants, and supermarkets. It's a different thing, and we should not forget that. As a side note, I think what matters is for us to understand how we can make a productive impact on these Parcels so that we don't drive by the first gate and are ashamed of ourselves for allowing that to happen. That was our starting point; that's why the Mayor and I called on the partners, sat down with them, and had good open discussions and debates. We threw around many different ideas, including the idea of buying the property, and we came to a point where we feel now it's worth starting the regular process; that's what we want, nothing else. But to have the chance to go through the different steps of community involvement, Planning Commission scrutiny, and maybe BZA, and come to a planned development agreement with the property owners. The only thing that is yet is missing and also missing to what the Mayor said; yes, we had open, constructive, productive, and responsible meetings, but never a final agreement from the Partners that they will drop page eight and go to a new and better concept. We still don't have that, and to some degree, I think it's good that we don't have it because this should be part of the process that now follows. As the Mayor said, if we don't find support and agreement for this starting point to bring the Partners to the table, to have them organize these various Community meetings with the neighboring HOAs and with the overall Community of this town, if we don't get to that agreement with the Partners, then I think we all have lost because then it will be built as they like. So let's sit down and debate if this is a starting point we agree upon and if we see a benefit. I have received quite a few emails over this busy weekend that support many of these eight parameters as being better than what we can see on page eight. Let's take them, go to the partners to say, now is the time to start to serious about this, bring into the Community, and bring in the process we must follow as a Town.

Mayor Pro Tem Moffitt - Number one, talk is cheap. Everybody in this room would agree that what we want is three things; we want more setback, less height, and less density, that's it. Nobody here will disagree with that being our desire and until the partners decide that they're willing to come forward and make some adjustments to their process. We can see that they are doing that; we're just talking to hear ourselves talk. The partners have the next step; they've got to be willing to come back and show us that they hear what we're saying and are willing to take action in those three areas. As the Mayor said, we can't force them to do any of that. We've told them what we want and been very clear. Councilmember Heidingsfelder and the Mayor have done a great job of making them understand where we want Improvement or change. To me, the ball is in the developer's court to actually show some change in their process, to schedule some meetings, maybe draw some bubble diagrams of a new layout of the project, or document that no setback is going to be less than 100 feet, whatever they do but I

think it's up to the developer at this point to do that. I think we've done what we can and either need to be stuck with what they originally had, or we need to think that they're taking us at our word and that we do want to work with them to have something, and that's an improvement.

Councilmember Berner - Remember what I said in the opening statement; the entire purpose is to improve what is already approved, and that's the key. The preliminary plat is approved; that is already accomplished. What we are trying to do is get increased setbacks and lower heights. None of us here, and I'm going to say this once again, none of us are approving any plan. There's no plan here that we're voting on to be approved; we're voting on going back and restarting the process. That's where we are; it's that simple; we're restarting the process. But remember, there's a fallback plan that's already approved.

Councilmember Belt - I first want to commend the Mayor and Councilmember Heidingsfelder for their initiative in working with the partners to try to develop a potential solution to the Upper Beachwalker Parcels that would be an improvement over what the Partners can develop by right. I would also note at the outset that I think the outlined approach framework is demonstrably superior to what the Partners first presented a year and a half ago when they wanted to consolidate and upzone all five Parcels. Whether you call them parameters, potential negotiating points, or a framework for discussion, what has been outlined, with one critical exception, is a reasonable starting place for discussing what may be possible on Upper Beachwalker Parcels.

Councilmember Belt indicated that his one critical exception in the approach was related to the density. It provided a detailed outline of the reasons why starting with 76 units is too high, noting that except for the density parameter, this is a great place to start a discussion with the Community to achieve something beneficial economically beneficial for the partners and beneficial for the Community to hold and I do think there's an opportunity for a win-win.

Councilmember Heidingsfelder made a motion for a resolution to encourage the developer to pursue a Planned Development District through the normal channels of the Planning Department, Planning Commission, and the BZA to achieve a decreased overall density, lower height, and increased setbacks compared to current entitlements and prior concepts that have been shared with the Council and the Community, to pursue Community input based on these parameters or framework, to pursue Community input in terms of HOAs and the whole Community to discuss these parameters of framework, and commit themselves to a better project than what the Planning Commission has seen. Councilmember Berner seconded the motion for a resolution.

Mayor Pro Tem Moffitt appreciated what was trying to be done but was very uncomfortable voting on something that directed the Partners to do something. He indicated that he could not support the motion for the resolution, thinking it was inappropriate.

Mayor Labriola indicated there was no need for a motion or a resolution if all the Councilmembers supported what they heard and talked about. He noted that the comments relative to dwelling units had been expressed many times, but if everyone supports encouraging the Partners to proceed with submitting an application for Plan Development District to the Town's Planning Commission would be good enough for the Town and the Partners.

Following further discussion, Councilmember Heidingsfelder withdrew his motion for the resolution.

Councilmembers expressed their desire to support and encourage the process.

IX. Council Member Comments:

None

X. Citizens' Comments: Limited to 15 Minutes.

Each speaker shall be limited to five minutes.

Todd Boney – 3532 Shipwatch – PreserveKiawah Board

Mr. Boney stated there were a lot of comments about Andell West. If there were a presentation by Riverstone, he would encourage Riverstone to spend some time talking about how it was a constructive process and not just a constructive outcome. It might be a good opportunity for the Community to understand how to dialogue effectively.

Carol Middendorf

Ms. Middendorf stated that on a different subject, she wanted to talk about the 2000 pieces of stuff left on the Beach every night. The Beach has a different look from ten years ago. At that time, nothing could be left on the Beach, and now it seems that the amount of items or bins left overnight keeps growing. The Club, the Resort, and Island Beach Services leave their chairs out and wonder if there are contracts with them and if there is a limit on how much they can leave out. She asked if the Cape development would be able to leave stuff out, and then if you let that happen, can Windswept, Duneside, and all the other housing developments along the Beach leave equipment out on the Beach? She also wondered if any consideration had been given to limiting how much stuff could be left on the Beach.

Mark Permar - 81 Duncannon Hall - Representative of Kiawah Partners

Mr. Permar stated that he did not want the days to end without saying we're (the Partners) very encouraged about the discussion and the next steps. I've taken copious notes here, but I want to take the reference to re-engage the area homeowners' associations and cottage owners' associations seriously. We think that is an important first step and used that technique on the first pass, the 1.0 version, and learned certain things during that process. KICA sponsored a remote presentation, it wasn't a discussion because of its nature, but we would encourage that to any venue. Like all of you, we learn something each time and look forward to re-engaging. Where we end where we don't know yet, but the general framework presented represents the more appropriate topics, and there are a couple more that were added, and we're likely to hear others from the Community. Our collective effort, and I use the term we for all of us, is that we continue to get better at what we do together in terms of creating a community or, many times, recreating a community, so we view this as a positive day and look forward to the next step. Not that it will be easy because creating and recreating Community is messy, but that's okay. We look forward to that, and I say that to everyone in the audience.

XI. Adjournment:

Councilmember Berner made a motion to adjourn the meeting at 3:50 pm. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

John D. Labriola, Mayor

Date



TAB 2

TOWN COUNCIL

Agenda Item

TOWN COUNCIL PUBLIC HEARING

Municipal Center Council Chambers

July 11, 2023; 11:00 am

Minutes

I. **Call to Order:** *Mayor Labriola called the meeting to order at 11:00 am.*

II. **Roll Call:**

Present at Meeting:

John D. Labriola, *Mayor*
John Moffitt, *Mayor Pro Tem*
Russell Berner, *Councilmember*
Brad Belt, *Councilmember*

Present Via Zoom:

Michael Heidingsfelder, *Councilmember*

Also Present:

Stephanie Tillerson, *Town Administrator*
Joe Wilson, *Town Attorney*
John Taylor, Jr., *Planning Manager*

III. **Public Hearing:**

A. Ordinance 2023-10 – An Ordinance to Amend the Town of Kiawah Island Comprehensive Plan Map IX.2, Future Land Use; to Change the Future Land Use Designation for the Subject Property (209-06-00-344) From “Commercial” to “Active Recreation and Open Space

Mr. Taylor stated that the Comprehensive Plan - Future Land Use Map Amendment Application was a request from the property owner, the Night Heron Park Company/Kiawah Island Golf Resort, to amend the Future Land Use Map designation from *Commercial* to *Active Recreation and Open Space* for the subject property at Sea Forest Drive. The property within Night Heron Park is approximately 1.8 acres and currently houses the Kiawah Island Golf Resort Nature Center. The building sits within the greater operations of Night Heron Park adjacent to the subject property, which includes a pool, recreation fields, fitness center, and The Nest Café and Market.

Mr. Taylor provided an aerial image outlining the subject parcel in Night Heron Park and images of the site and Nature Center. The Future Land Use Designation for the subject property is currently *Commercial*, defining the *Commercial* and *Active Recreation and Open Space* categories.

Mr. Taylor provided the Future Land Use Map Designation as it currently exists, highlighting the subject property and the adjacent properties, which include the *Active Recreation and Open Space*, *High-Density Residential*, and *Medium Density Residential* designations.

Mr. Taylor stated that the Planning Commission reviewed the application at the June 7th Planning Commission meeting and unanimously recommended approval by a vote of seven to zero. Based on those actions comes before Town Council as a recommendation of approval.

Mr. Taylor reviewed the approval criteria and key factors of the staff's review based on the applicant's responses. The proposed amendment...

- Provides greater zoning consistency with Night Heron Park facilities. Night Heron Park is a centralized location for recreational activity, both past and present.
- Provides an opportunity to modify the property boundaries of the current irregular-shaped parcel. The shape boundaries restrict redevelopment for the subject property.

- The proposed zoning and future land use designation reduce the future intensity of land uses for Night Heron Park.
- Proposed developments will need to be approved through the site plan review approval process.

He indicated that upon review Planning Staff finds the proposed amendment consistent with the Comprehensive Plan.

B. Ordinance 2023-11 – An Ordinance to Amend Chapter 12 - Land Use Planning and Zoning, Article II. - Zoning, Division 2. - Zoning Map/Districts, Section 12-62. – Zoning Map by Rezoning the Property (209-06-00-344) From the “Commercial” (C) Zoning District to the “Parks and Recreation” (PR) Zoning District

Mr. Taylor stated the Zoning Map Amendment Application was a request from the property owner, the Night Heron Park Company/Kiawah Island Golf Resort, to rezone the property located at Sea Forest Drive (TMS# 209-06-00-344) from *Commercial (C) Zoning District* to the *Parks and Recreation (PR) Zoning District*. The property within Night Heron Park is approximately 1.8 acres and currently houses the Kiawah Island Golf Resort Nature Center. As in the previous Comprehensive Plan amendment request, the building sits within the greater operations of Night Heron Park adjacent to the subject property, which includes a pool, recreation fields, fitness center, and The Nest Café and Market.

Mr. Taylor provided a picture of the Zoning Map as it currently exists, highlighting the subject property and the adjacent properties, which zoning categories; *R3- Highest Density Residential*, and *R-2-O – Residential Two Overlay District - Medium Density Residential*.

Mr. Taylor provided an aerial image outlining the subject parcel in Night Heron Park and images of the site and Nature Center. Mr. Taylor pointed out the subject property on the Zoning Map as *Commercial*. The same comments would apply based on the interpretation of this being within a greater context of Night Heron Park’s current operations.

Mr. Taylor reviewed a comparison of the commercial standards for the *Commercial Zoning District* and the standards for the *Parks and Recreation District*, noting that the *Parks And Recreational Zoning District* captures the greater Night Heron Park, and all of the uses that currently exist fall under this *Parks And Recreational Zoning District*.

Mr. Taylor stated that the Planning Commission reviewed the Zoning Map amendment application at the June 7th Planning Commission meeting and unanimously recommended approval by a vote of seven to zero and consideration for first reading after the Public Hearing.

Mr. Taylor reviewed the approval criteria and key factors of the staff’s review based on the applicant’s responses. The proposed amendment...

- Provides greater zoning consistency with Night Heron Park facilities. Night Heron Park is a centralized location for recreational activity, both past and present.
- Provides an opportunity to modify the property boundaries of the current irregular-shaped parcel. The shape boundaries restrict redevelopment for the subject property.
- The proposed zoning and future land use designation reduce future intensity of land uses for Night Heron Park.
- Side setbacks are increased by 5’ with the proposed PR zoning designation.
- Proposed developments will need to be approved through the site plan review approval process.

He indicated that upon review Planning Staff finds the proposed amendment consistent with the Comprehensive Plan.

Mayor Pro Tem Moffitt made a motion to open the Public Hearing. Councilmember Berner seconded the motion, and it was unanimously approved.

Mayor Labriola noted that two letters were received and attached to the hearing materials for the record.

No public comments were received.

Mayor Pro Tem Moffitt made a motion to close the Public Hearing. Councilmember Berner seconded the motion, and it was unanimously approved.

IV. Adjournment:

The meeting was adjourned at 11:22 am.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

John D. Labriola, Mayor

Date



TAB 3

TOWN COUNCIL

Agenda Item

TOWN COUNCIL MEETING

Municipal Center Council Chambers

July 11, 2023, 2023; 1:00 pm

Minutes

I. **Call to Order:** *Mayor Labriola called the meeting to order at 1:00 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

Present Via Zoom: Michael Heidingsfelder, Councilmember

Also Present: Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney
Craig Harris, Director of Public Safety

IV. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of June 6, 2023

The minutes of the Town Council Meeting of June 6, 2023, were deferred to the next meeting.

B. Minutes of the Special Call Town Council Meeting of June 7, 2023

Councilmember Berner made a motion to approve the minutes of the Special Call Town Council Meeting of June 7, 2023. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.

V. **Updates:**

A. Mayor

Mayor Labriola stated that there have been discussions relative to the Beachwalker Plan encompassing both the specific Upper Beachwalker project and the possible acquisition of the Real Estate building for infrastructure improvement, and Kimley-Horn presented multiple alternatives as part of the discussion. They have been asked to come back and do a cost-benefit analysis to put more of the analytics behind the alternatives they presented. John, I, and Stephanie met with Mr. Turner, Kimley Horn's senior representative, this morning for an update. The analysis is not close to completion, and the target is a presentation at the August 1st Town Council Meeting. Mr. Turner will talk about the three alternatives, their impact on traffic and traffic flow, the economics behind the different alternatives, and what type of impact they would have. Mayor Labriola noted this could be the largest infrastructure investment the Town has ever made. It would be a very costly project and has to be looked at in terms of decades of impact, improvement, and what it would do for the traffic flow. Once the information is completed, it will be distributed to all members of the Council, and plan on the discussion on August 1st.

B. Council Members

Councilmember Heidingsfelder reported that the activities he is involved in are progressing nicely, and those involved are very engaged.

- The Go Green initiative has received a lot of feedback from the community. The numerous emails that he has received with ideas and concerns are appreciated.
- All the different workgroups have now met and started their activities.
- A Survey Monkey has been opened to get information about the electric vehicles on the island. In four days, there were 900 responses to the survey; that number of comments and input was unexpected. The survey is still open so that the community can respond.
- A multitude of emails and phone calls were received with concerns about topics along the beach.
 - Clutter - umbrella and chair boxes and the unorderedly storage of those items.
 - Informational requirements that are missing at the boardwalks; etiquette on the beach, what to do if there are rip currents and dangers in the water
 - Workgroup kick-off on September 8th

Councilmember Heidingsfelder presented a proposal to manage commercial traffic on the island better. Traffic on and onto the island is clearly the biggest community concern. It is a topic in the community drop-in meetings on iKiawah and expressed in the emails received. Long-term solutions may be years in the making, but they are not helpful now, creating the need for short and mid-term mitigation actions.

Councilmember Heidingsfelder reviewed some of the short-term solutions recently implemented, but he felt the key issues are all the service and construction-related vehicles entering and exiting the island. Working together with the Community Association, the two proposals could, at least in the short to mid-term, reduce the impact of traffic on the island.

Councilmember Heidingsfelder presented his concepts to manage commercial traffic better, providing the specifics for each concept:

- ▶ The following **two concepts** can help to reduce construction-related traffic and help mitigate the regular traffic back-ups during peak times:
 1. **BLACKOUT**
Stop of all non-urgent construction work during peak weeks for the island – for example around Easter, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas to New Year.
 This measure will need to be implemented and enforced in collaboration with KICA at the 1st Gate based on a Town Ordinance.
 2. **LIMIT**
Cap the number of building permits issued per year by the Town of Kiawah Island for new construction, alteration, renovation or remodeling, and major repair projects.
- ▶ Both concepts could substantially **reduce the amount of commercial and construction-related traffic** onto and on the island and **significantly improve the perceived experience** for both our residents and visitors to the island.

Following the presentation, Mayor Pro Tem Moffitt suggested that these concepts are put on a future agenda allowing time to consider the presented concepts, generate questions, and have a productive discussion rather than a prolonged discussion of first impressions.

Councilmember Belt commended Councilmember Heidingsfelder on a thoughtful presentation that he obviously put a great deal of work into and agreed it would require more time to consider. He suggested two other concepts utilized in other jurisdictions which may warrant consideration; dynamic pricing for permits and/or phased access, providing examples of how these would work.

Councilmember Berner indicated he had already discussed the concepts with Councilmember Heidingsfelder and felt this would violate the basic economic principle of supply and demand. Limiting the supply of permits will immediately react to the demand. The demand will not change,

but the prices will go up significantly. He pointed out an alternative idea, already heard many times, about changing the access point for receiving passes.

Councilmember Belt commented on the traffic entering the island, indicating that the traffic control officer seemed to be reasonably effective when present and questioned the operating policy. Ms. Tillerson clarified that a daytime code enforcement officer works the intersection during the morning and afternoon. With no dedicated person, the code enforcement officer may be called off to another task, but another available code enforcement officer returns. In the long term, hiring a dedicated person during the peak season may be required.

Councilmember Heidingsfelder expressed his desire to move forward from an interim solution to a more permanent solution of a dedicated employee to mitigate traffic in the morning hours.

Councilmember Berner reported that his hurricane preparedness podcast should be online shortly and that he met with the Community Association's Ms. White and Mr. Elder concerning short-term rentals. The meeting was in response to complaints from residents near neighborhoods with short-term rentals, and he was surprised to discover in the conversation that renters have the ability to call in a guest day pass for as many people as they want without limitation. He noted that conversations will continue.

Councilmember Belt provided updates on the following:

► ARB Taskforce –

1. Mr. Donlon, Co-Chair, and KICA Board member, reported at the KICA meeting that the task force invited community input into the preliminary report and received approximately 90 fairly detailed community comments on a wide range of issues that were characterized under four general themes:
 - ARB rules are being inconsistently applied between homeowners and commercial interests.
 - Cost-related issues - Timeliness of receiving deposits back after completion of the project
 - Timeliness and responsiveness of the ARB concerning various approval requirements
 - Changing the rules mid-stream
2. The task force will submit a summary of its findings as part of phase one and move into phase two to start developing concrete recommendations for moving forward.

Mayor Labriola questioned if the comments mentioned would be provided to the senior leadership of the ARB for their response. Councilmember Belt indicated that the ARB would be invited to offer their responses when released.

► Development Related Projects

1. Andell West – Riverstone and Mr. Corrada will have a community presentation scheduled for next Monday at the West Beach Conference Center.
2. Andell-Bohicket Marina proposed expansion –
 - Seabrook Planning Commission on Wednesday, July 12th
 - Slides of project overview and rendering were presented - showing access to Betsy Kerrison Parkway directly across from the Municipal Center entrance.
 - Concerns about entrance point
3. Orange Hill
 - A proposed redevelopment of 700 acres along Bohicket Road
 - Charleston County Planning Commission Workshop was held Monday, July 10th
 - Partners held a Public Community meeting last month
 - A slide of the concept plan under the existing PD and the current concept plan was presented
 - Proposed to go before County Planning Commission next month
4. Proposed Medical Village on Betsy Kerrison
 - Conservancy had views about the potential environmental impact of the proposed development.

- Suggested that the developer come before the community to present what is being proposed
 - Tentatively going before the County Planning Commission on August 12th
5. Upper Beachwalker and Lower Beachwalker development proposals
- The document was received and is now under site plan review

C. Administrator

Ms. Tillerson stated that she asked Mr. Taylor to provide a tentative schedule regarding what we need to do once the KP Development Agreement sunsets in December.

Mr. Taylor stated that the applications were received for Lower Beachwalker (parcel 13- Lot-1) and Upper Beachwalker, and the projects are advancing through the site plan review process. He provided an overview of the process and indicated that the timeline dependent on the review process. Comments will be issued, and responses from the applicant will go back and forth until an approvable state is reached. The Final Plat would be when all comments are addressed during the site plan approval process.

Councilmember Belt noted some concerns while reviewing the documents and asked what could be done without waiver or variance. Ms. Tillerson responded that the application documents were submitted on Friday, with no chance for Mr. Taylor to begin the review process, but any noted variances would go through the proper channel and adjustments made to the site plan.

Councilmember Belt commented on the Mingo Point expansion asking the questions raised by homeowners in The Point. Mr. Taylor provided responses to each of the questions raised.

Mr. Taylor provided a brief outline of some points that will need to occur as the Development Agreement ends in December. The Planning staff has been working on a timeline to ensure we meet those things in place as the end of the year approaches. He indicated that entering the fall, more formal documents will be presented to the community.

Mr. Taylor noted that the final component would be that after the Comprehensive Plan review is completed, it is important to schedule a holistic review of the zoning code, engaging and consultant to help with the extensive project of cleaning up a number of things that have probably been overlooked over the years.

1. Brief presentation and Discussion by Bruce Spicher, Building Official on FEMA Incentivized Programs to Aid in Developing Resilient Communities

Mr. Spicher discussed the CRS (Community Rating System) program, a voluntary program a member of the National Flood Insurance Program (NFIP) can opt into. The CRS program is an incentivized program that encourages floodplain management practices that are more stringent than the minimum requirements of the NFIP. Having ordinances stricter than what NFIP requires allows you a numeric value; the lower that numeric value, the better your rating. The CRS rating is directly tied to flood insurance premiums through a percentage reduction in those premiums and impacts the insurance premiums paid by Kiawah property owners.

Mr. Spicher noted numerous things that can be looked at in the Town's Flood Ordinance to boost the Town's CRS. He suggested forming a workgroup with Councilmembers and staff to take a deep dive into the Town's Flood Ordinance to see what can be done to improve the Town's CRS rating by making changes and bringing those recommendations to Council for ordinance adoption.

Mayor Pro Tem Moffitt indicated he had noted the task for the Ordinance Review Committee.

VI. **Citizens' Comments (Agenda Items Only): Limited to 15 Minutes.**

Each speaker shall be limited to five minutes.

Mark Permar – Representative of Kiawah Partners

Mr. Permar provided an update on a topic discussed at June's council meeting about Upper Beachwalker parcels. Council recommendation Kiawah Partners reach out to those Property Owners most affected by potential revisions to development standards on the Upper Beachwalker parcels. Three neighborhoods are contiguous to the property; River View, Inlet Cove, and the Cottage Owners Association. To date, informal discussions have occurred with the River View Associations and Inlet Cove, but we have yet to schedule one for the Cottage Owners Association. They were good sessions because the purpose of the sessions was to present information that was somewhat familiar from previous presentations but updated information, as well as to listen to comments and questions.

As Councilmember Belt mentioned, that included things such as the submission of plans, at least for portions of the parcels in the Upper Beachwalker area. The Riverview group, in particular, said that until we understand what you can do on the parcels, it's difficult to measure a proposal that might be an adjustment to the standards if they were consolidated. I'm going to follow up and distribute that information to the board members of the associations that we have already met, with some suggestion as to the nature of what part of the process has been in.

At the end of each session, I summarize what I believe I heard, and then the summary is sent to those board members. The responses received back will be incorporated, or the summaries will be refined or adjusted and reissued to those board members appropriately coping with Mr. Taylor and Ms. Tillerson on the status for information purposes. It is our thought that once we complete at least the first pass, I offered to all of the boards that it might be a good idea to have another session, whether that's Consolidated as a group or separate ones, and then out of that would come some recommendations and some observations by Kiawah Partners.

Councilmembers further discussed the update provided by Mr. Permar to include questions posed on expectations and applying for a Planned Development while on a parallel path to obtaining by-right final approval.

VII. Old Business:

None

VIII. New Business:

A. To Consider Approval of the Charleston Area Transportation Authority (CARTA) Proposed Fiscal Year 2023-2024 Budget

Mr. Brock stated that each of the member governments of CARTA are presented with a proposed budget for approval every year. Though not in the budget, he highlighted the following:

- CARTA recently received a 25.9-million-dollar FTA appropriation for a new Transit Center in North Charleston that's going to replace the current hub
- The new hub will include eight charging bays and connect directly to the Lowcountry Rapid Transit System (LCRT).
- The new facility is expected to be online in late 2025 or early 2026.
- the LCRT is expected to be ready by 2029
- CARTA recently brought on a new operations contractor and is looking for improves service
- CARTA is transitioning to a fully electric fleet and has installed 24 new charging stations and a conversion station at the headquarters

In regard to the discussion on traffic, Mr. Brock reminded Council that CARTA had a regional vanpool program for builders that crews coming to the island in separate vehicles.

Councilmembers asked if the island's contractors or subcontractors are aware of this program and if information on the service could be pushed out in communications to contractors. It was also suggested that the program be included in next month's traffic mitigation discussion.

Mayor Pro Tem Moffitt made a motion to approve the CARTA proposed fiscal year 2023-2024 budget. Councilmember Berner seconded the motion, and it was unanimously approved.

- B. To Consider Approval of the Carolina Waste Contract Amendment
- C. To Consider Approval to Conduct a Survey of Beachwalker Drive
- D. To Consider Approval of the Beachwalker Drive Landscape Enhancement Project with Artigues Landscaping and Maintenance

Mayor Labriola made a motion for consent approval of items B, C, and D recommended by the Ways and Means Committee. Mayor Pro Tem seconded the motion, and it was unanimously approved.

- E. To Consider Approval of the Proposal from Elko Consulting to Conduct a Feasibility Study for Improvements to the Kiawah River Public Access

The Ways and Means Committee tabled this Item.

- F. To Discuss and Consider Approval of a Safety Device that can be Attached to the Existing Pedestrian Signs at the Beachwalker Drive/Kiawah Island Parkway Intersection

Mr. Gottshalk stated that the safety of Kiawah's residents, guests, and employees is the Town's and its staff's responsibility. As the island continues to grow, we're obviously seeing a lot of stress on the roadways and bike paths with people using them daily throughout the year. One stress point on the Town's property is the Kiawah Island Parkway and Beachwalker Drive intersection. It is a heavily used intersection with people going through the main Gate, turning onto Beachwalker Drive, going to the gas station, to and from their homes, the County Park, and the KICA administration building and going through the intersection. Along with Councilmember Heidingsfelder and Councilmember Berner, Mr. Gottshalk investigated how to increase safety for pedestrians crossing Beachwalker Drive. One of the things that came up was installing the flashing lights that pedestrians can push the button, and a light will alert motorists that somebody is crossing the path and then cut off after a programmed amount of time. Councilmember Heidingsfelder and Councilmember Berner have had discussions with the ARB because it is a new Implement that we are interested in trying out and giving this a pilot test at the intersection of Beachwalker Drive and the Parkway and also at one area behind the Gate, potentially at Kiawah Beach Drive and Oyster Rake.

We wanted to discuss this with the rest of Council to hear your thoughts and hopefully get your support in implementing this.

Councilmembers discussed the proposal to eliminate the potential risk and provide more safety to the island. Councilmember Berner provided background information on his push for the addition of a warning device at crosswalks and, in addition to having a sign with a blinking light, to have a pre-warning sign where motorists have to stop when the sign is actuated or at least slow down. Also discussed were the meetings with the ARB, concerns with the expectations that people will stop or slow down and bikers will press the button, and the need for an accompanying communication approach if approved.

Councilmember Heidingsfelder made a motion to approve a Safety Device that can be Attached to the Existing Pedestrian Signs at the Beachwalker Drive/Kiawah Island Parkway Intersection. Councilmember Berner seconded the motion, and it was unanimously approved.

- G. To Consider Approval of **Resolution 2023-01** - A Resolution To Amend The Town Of Kiawah Island Planning Department Fee Schedule

The Ways and Means Committee tabled this Item.

- H. To Consider Approval of **Ordinance 2023-08** - An Ordinance To Amend The Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Division 3 – Provisions For Flood Hazard Reduction, Section 14-173 - Special Standards - **First Reading**

Mr. Spicher stated that the Ordinance 2023-08 amends the Town's Flood Ordinance by adding the wording "the effects of" to Section 14-173, Subparagraph O. Clarifying that the ordinance subparagraph is to address the designed and grading operations to limit the effects of flooding and not to prevent all flooding. The ordinance also adds Subparagraph P addressing the modification to a louvered panel when the spacing is not code compliant.

- I. To Consider Approval of **Ordinance 2023-09** - An Ordinance To Amend The Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Division 3 – Provisions For Flood Hazard Reduction, Section 14-178 – Elevated Buildings – **First Reading**

Mr. Spicher stated that Ordinance 2023-09 amends the Town's Flood Ordinance by adding subparagraph 8 to Section 14-178 by implementing a non-conversion agreement which ensures that the homeowner is aware of the requirements regarding the space under the home. It prevents these areas from becoming habitable spaces once the certificate of occupancy has been issued.

Councilmember discussed the proposed amendments, clarified language, and if additional language could be added to include the non-conversion agreement for new construction and when a home is sold.

Mayor Pro Tem Moffitt made a motion to approve the first reading of items H and I. Councilmember Berner seconded the motion, and it was unanimously approved.

- J. To Consider Approval of **Ordinance 2023-10** - An Ordinance to Amend the Town of Kiawah Island Comprehensive Plan Map IX.2, Future Land Use; to Change the Future Land Use Designation for the Subject Property (209-06-00-344) From "Commercial" to "Active Recreation and Open Space" - **First Reading**.
- K. To Consider Approval of **Ordinance 2023-11** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning, Article II. - Zoning, Division 2. - Zoning Map/Districts, Section 12-62. – Zoning Map by Rezoning the Property (209-06-00-344) from the "Commercial" (C) Zoning District to the "Parks and Recreation" (PR) Zoning District of the Zoning Ordinance of the Town of Kiawah Island, South Carolina - **First Reading**

Mayor Labriola stated that no comment was made at today's Public Hearing.

Mayor Pro Tem Moffitt made a motion to approve the first reading of items J and K. Councilmember Berner seconded the motion, and it was unanimously approved.

IX. Council Member Comments:

Mayor Pro Tem Moffitt stated that the discussion of Councilmember Heidingsfelder's traffic mitigation proposal was pushed to next month, but he has taken a lot of time on the proposal and encouraged all members to take the time to go through it, have some productive input and a good discussion next month.

Councilmember Heidingsfelder asked for clarification on whether Council will be moving forward with investigating if there can be a process with an ordinance to require inspection on a sold house relating to the most recent discussion. Ms. Tillerson indicated that if Council is interested, she will

work with Mr. Spicher to investigate the process. Councilmember Heidingsfelder indicated that he supported it and it would help the CRS rating.

Councilmember Heidingsfelder indicated he forgot to update Council and the Community on the work done with Ms. Tillerson and a community member moving forward and grant application for federal funding available for municipalities by the US Department of Transportation to establish vehicle charging stations. The Town applied for substantial money from the program and hoped that a certain portion would be approved to help the Town install several electric vehicle charging stations before the first Gate; Municipal Center, Freshfields, and Beachwalker Park. The funding would help finance a key portion of the Kiawah Goes Green initiative.

Councilmember Heidingsfelder commented that, like today, he participated in the KICA Board meeting virtually, noting that the audio quality of the board meeting was horrible and encouraged the Town to reach out to KICA and offer Council Chambers for their meeting.

Councilmember Heidingsfelder encouraged not to limit citizens' comments to fifteen minutes. He agreed with limiting the time per speaker but felt the fifteen-minute limit was the wrong signal to the community.

Mayor Labriola indicated that Town Ordinance spells out the perimeters and asked if the Ordinance Review Workgroup could look at it. If it is the group's consensus to have longer times spelled out in the ordinance, change it. Councilmember Heidingsfelder indicated that he would agree to 30 minutes at the beginning and 30 minutes at the end of the meetings.

X. Citizens' Comments: Limited to 15 Minutes.

Each speaker shall be limited to five minutes.

None

XI. Adjournment:

Councilmember Berner made a motion to adjourn the meeting at 3:22 pm. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

John D. Labriola, Mayor

Date



TAB 4

TOWN COUNCIL

Agenda Item



Request for Town Council Action

TO: Mayor and Council Members

FROM: Jim Jordan

SUBJECT: Request to approve Marsh Restoration and Public Access Feasibility Proposal

DATE: August 1, 2023

BACKGROUND:

Salt marshes are one of the most productive ecosystems in the world. They serve as the ocean's incubator, providing food, refuge, and nursery habitats for more than 75% of fisheries species. They also provide important protection for shorelines from erosion by buffering wave action and trapping sediments. Salt marshes also reduce flooding by slowing and absorbing rainwater and protect water quality by filtering runoff and metabolizing excess nutrients.

The Town of Kiawah Island developed a Marsh Management Plan in 2022 and created a Comprehensive Marsh Management Plan (CMMP) workgroup in 2023 to begin to implement components of the plan. The workgroup has discussed areas of concern and is currently focused on 3 main objectives: 1. Communications, 2. Permeable surfaces, and 3. Kiawah River Bridge access improvements.

ANALYSIS:

The CMMP workgroup has discussed the Kiawah River Bridge Access area and is in agreement that the area needs modification to enhance public access and protect the surrounding marsh. The workgroup recommends the following: 1. No launching of watercraft, 2. Prevent the public from walking in the marsh, 3. Maintain passive access to the marsh and waterway. 4. Add interpretive signage in the area, 5. Investigate the need for marsh restoration in damaged areas.

The Kiawah River Bridge Access subcommittee was created out of the CMMP workgroup to develop a plan for this area. The subcommittee met on June 29 with Nicole Elko (Elko Coastal Consulting, Inc.) and recommends engaging with Elko Consulting to conduct a feasibility study. The included proposal will include an initial assessment of the area, stakeholder engagement, environmental review, up to 2 conceptual designs to allow public access without damage to the marsh, permitting feasibility, and a final report. The marsh in this area is owned by Kiawah Partners and protected under a conservation easement with the Kiawah Conservancy. The Town Attorney will continue to investigate any constraints/restrictions associated with the easement independently but concurrently with this study.

ACTION REQUESTED:

Town Staff is requesting that Town Council approve the proposal from Elko Coastal Consulting, Inc for the above-mentioned tasks for an amount not to exceed \$31,500.

BUDGET & FINANCIAL DATA:

If approved, this will be funded through 70% restricted funds and 30% from the general fund.



July 6, 2023

Jim Jordan
Town of Kiawah Island
4475 Betsy Kerrison Pkwy
Kiawah Island, SC

RE: Marsh Restoration and Complementary Public Access Improvements east of the Kiawah River and Kiawah Island Parkway
2nd REVISION: Proposal for Feasibility Study

Dear Mr. Jordan:

Elko Coastal Consulting, Inc. (ECC) is pleased to offer a feasibility study service for the Town of Kiawah Island in partnership with Weston & Sampson ("the team"). ECC is a local, woman-owned, small business, has been providing coastal management services since 2009. Founded in 1899, Weston & Sampson has been providing public agencies, municipalities, and private sector clients with cost-effective and innovative solutions to their challenges for more than 120 years! Together, our teams are committed to conducting a targeted feasibility study for Kiawah River public access to determine what is environmentally appropriate, permissible, legal, and desired by stakeholders.

The team will develop a final report and up to two conceptual designs informed by information gathered from site assessment and stakeholder engagement as requested by the Town of Kiawah Island and the Marsh Management Subcommittee. We will hold a scoping meeting with key stakeholders from the Kiawah entities, conduct an environmental review, research permit feasibility, and facilitate a meeting with state and federal regulators to ensure a smooth permitting and engagement path as the project moves forward. The deliverable will include a final report with an existing conditions assessment, conceptual designs, and permitting recommendations. Work will be invoiced monthly as completed.

If you agree with this proposal and wish to retain us to provide the proposed services, please sign and return one copy of this proposal to us as authorization to proceed with performance of the services. We appreciate the opportunity to provide a proposal and look forward to working with you. If you have any questions on this matter, please feel free to contact me at the number or email address below.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicole Elko", written over a light blue horizontal line.

Nicole Elko, Ph.D.
President

Introduction

The area of focus for this feasibility study is the tidal banks of the Kiawah River east of the Kiawah Island Parkway. This area serves as a passive park; providing recreational access including fishing, kayak launch, and nature viewing. The salt marsh is eroding along the marsh edge as indicated by escarpments. Living shoreline techniques can help to protect existing marsh.

Focus Area:



In terms of marsh restoration, an initial installment of up to 250 linear feet of living shoreline is suggested for the site. Diverse stabilization practices will be assessed, such as those outlined in the [Nature-Based Solutions Manual for Kiawah Island](#), with consideration of other practices which restore and enhance tidal salt marsh habitat using organic materials. Materials may include coir logs, bagged shell, oyster castles, and manufactured wire reefs (MWRs). The diverse methods are not only suited to site specific conditions including slope and sediment softness but will also serve as a demonstration to community members seeking to better understand the practicality of this emerging practice.

In terms of public access, the team will consider various scenarios that will both complement the goals of a marsh restoration project in this area and address site constrictions.

Scope of Work

Conduct a feasibility study for marsh restoration and complementary public access improvements to the existing access point on the outbound lane of the Kiawah Island Parkway at the Kiawah River Bridge. Develop a final report that will include up to two concept designs for each public access improvements and marsh restoration alternatives, permitting recommendations, and an existing conditions assessment as requested by the Town of Kiawah Island (TOKI).

Engagement activities for this project will include working with “key stakeholders” defined as representatives from TOKI, Kiawah Conservancy, Kiawah Resort Associates, Kiawah Island Community Association, and additional representatives from other appropriate Kiawah entities if desired such as the TOKI Architectural Review Board, etc. External public engagement will not take place during this phase.

The feasibility study will include the following tasks:

INITIAL ASSESSMENT

- Understand site conditions and potential features for inclusion as related to the interplay of public access improvements and a marsh restoration (living shoreline) project,
- Facilitate one (1) kick-off meeting with key stakeholders to determine public access, conservation, and restoration goals, as well as site constrictions, and
- Conduct a site assessment with at least two Weston & Sampson staff members.

ENVIRONMENTAL REVIEW

- Document existing conditions to include physical and biological characteristics and indicators to help inform site planning and permitting process.
- Coordinate the establishment of the critical line with DHEC OCRM.
- Conduct a preliminary analysis of the relative impacts of existing public use (kayaks, pedestrians, rack coverage, stormwater runoff).

CONCEPTUAL DESIGNS

- Refine the Conservancy’s proposed living shoreline concept plan as needed to incorporate complementary public access.
- Provide two (2) public access concept designs to balance the entities’ public access, conservation, and restoration objectives,
- Provide two (2) living shorelines concept plans for communication with decision makers and community members,
- Obtain initial community input on concept plans using an online survey,
- Engage key stakeholders in one (1) group meeting which may be conducted on site for feedback to inform and refine the concept drawings, and
- Modify concept designs based on stakeholder feedback.

PERMITTING FEASIBILITY

- Research permitting requirements as it relates to proposed features for inclusion and scope of project.
- Facilitate one (1) scoping meeting with federal and state regulators (US Army Corps of Engineers, SCDHEC Ocean and Coastal Resource Management, and SCDHEC 401 and Navigable Waters Programs) to determine design limitations and to inform future decisions.



FINAL REPORT

The deliverable will be a final report that includes:

- Project goals,
- Mapping/visualization and summarization of existing conditions assessment,
- Site analysis to best determine specific parameters of living shoreline implementation and complementary public access improvements,
- Conceptual designs, and
- Brief summary of agencies' comments and permitting recommendations.

The information in the final report will inform the next steps in project implementation and will assist with broader communication with Kiawah Island's community members. Full public engagement on conceptual designs should occur after this study is complete once permissions are granted from the project area landowner and easement holder.

TIMELINE:

The project team will provide draft concepts for marsh restoration and public access by October 2023 and a final report by May 1, 2024.

Tasks	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
1 Initial Assessment										
Kick-off meeting										
Site Assessment										
Monthly meetings with subcommittee										
2 Environmental Review										
Document existing conditions										
Coordinate critical line survey										
Analyze public use impacts										
3 Conceptual Designs										
Refine draft restoration concept										
Provide public access concepts										
Provide restoration concepts										
Initial community input										
Key stakeholders meeting										
Refine concepts										
4 Permitting Feasibility										
Research needed permits										
Meeting with regulators										
5 Final Report										
Prepare draft										
Incorporate feedback										
Submit final report										



COMPENSATION

ECC shall invoice TOKI monthly for services which will be billed hourly at an average rate of \$135/hr on average, depending on team member skill level. Reimbursable expenses are billed at cost + 15%. Costs for this task will **not exceed \$31,500**. Should additional effort or tasks be needed and exceed the stated amount, ECC will inform TOKI and secure written approval prior to initiating the work.

ECC has proposed an aggressive schedule to complete this work by late Spring 2024 but suggests that the contract period run from July 2023 – June 2024, with the ability of the Town to extend the contract annually for up to five years, only if desired.

Approved by:

Owner Name

Signature

Date



TAB 5

TOWN COUNCIL

Agenda Item

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2023-08

AN ORDINANCE TO AMEND THE TOWN OF KIAWAH ISLAND MUNICIPAL CODE ARTICLE 14 - GENERAL REGULATIONS, CHAPTER 1 - FLOOD DAMAGE PREVENTION, DIVISION 3 – PROVISIONS FOR FLOOD HAZARD REDUCTION, SECTION 14-173 - SPECIAL STANDARDS

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Division 3 – Provisions for Flood Hazard Reduction, Section 14-173 - Special Standards and;

WHEREAS, the Town wishes to continue to regulate the provisions for flood hazard reduction, and;

WHEREAS, the Town wishes to add language to Section 14-173 (1)(o) to provide clarity and add Section 14-173 (1)(p) relating to non-engineered louvered venting design.

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 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Division 3 – Provisions for Flood Hazard Reduction, to add language in Section 14-173 (1)(o) and add Section 14-173 (1)(p).

Section 2 Ordinance

Article 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Division 3 – Provisions for Flood Hazard Reduction, Section 14-173 - Special Standards is hereby amended as follows:

Sec. 14-173. - Special Standards.

- (1)** All buildings in a coastal high-hazard area shall meet the following provisions:
 - o. All permit applications will be reviewed to determine whether proposed building sites will be reasonably safe from the effects of flooding.
 - p. Non-engineered louvered venting designed to relieve hydrostatic and hydrodynamic loading shall be spaced a minimum of 3 inches between louvers.

Exception: Non-engineered louvered venting that does not meet the minimum design criteria of Section 14-173 subparagraph p shall have an engineered hydrostatic vent installed in the center axis of the louvered panel within 12 inches of the final grade.

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 1ST DAY OF AUGUST 2023.

John D. Labriola, Mayor

Petra S. Reynolds, Town Clerk

1st Reading Approval – July 11, 2023

2nd Reading Approval – August 1, 2023



TAB 6

TOWN COUNCIL

Agenda Item

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2023-09

AN ORDINANCE TO AMEND THE TOWN OF KIAWAH ISLAND MUNICIPAL CODE
ARTICLE 14 - GENERAL REGULATIONS, CHAPTER 1 - FLOOD DAMAGE PREVENTION,
DIVISION 3 – PROVISIONS FOR FLOOD HAZARD REDUCTION, SECTION 14-178 –
ELEVATED BUILDINGS

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Division 3 – Provisions for Flood Hazard Reduction, Section 14-178 – Elevated Buildings and;

WHEREAS, the Town wishes to continue to regulate the provisions for flood hazard reduction, and;

WHEREAS, the Town wishes to add Section 14-178(8) relating to the requirements regarding the space under the home and preventing these areas from becoming habitable spaces once the certificate of occupancy has been issued.

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 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Division 3 – Provisions for Flood Hazard Reduction, to add Section 14-178(8).

Section 2 **Ordinance**

Article 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Division 3 – Provisions for Flood Hazard Reduction, Section 14-178 – Elevated Buildings is hereby amended as follows:

Sec. 14-178. – Elevated Buildings.

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- (8) A non-conversion agreement document shall be completed and filed with the Charleston County Register of Deeds office. Proof of this recording shall be submitted to the Building Services Department as a matter of permanent record

before a certificate of occupancy is granted for all new homes. The Building Official may also request a non-conversion agreement for any permitted work, for non-permitted work, or any time the owner or owner's agent has represented or suggested that the space below flood elevation is habitable or can be used contrary to law.

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 1ST DAY OF AUGUST 2023.

John D. Labriola, Mayor

Petra S. Reynolds, Town Clerk

1st Reading Approval – July 11, 2023

2nd Reading Approval – August 1, 2023



TAB 7

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND

ORDINANCE 2023-10

TO AMEND THE TOWN OF KIAWAH ISLAND COMPREHENSIVE PLAN – LAND USE ELEMENT – FUTURE LAND USE CATEGORIES AND COMPREHENSIVE PLAN MAP IX.2, FUTURE LAND USE; TO CHANGE THE FUTURE LAND USE DESIGNATION FOR THE SUBJECT PROPERTY (209-06-00-344) FROM “COMMERCIAL” TO “ACTIVE RECREATION AND OPEN SPACE”

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to change the Future Land Use category of for the subject property identified (TMS 209-06-00-344) from Commercial to Active Recreation and Open Space; and

WHEREAS, the amendment would allow for the sensitive integration of recreation and open space uses; and

Whereas, this Comprehensive Plan Map amendment is compatible with surrounding land uses and is not detrimental to the public health, safety and welfare; and

WHEREAS, the Planning Commission held a meeting on June 7, 2023 at which time a presentation was made by staff and the applicant, and an opportunity was given for the public to comment on the amendment request; and

WHEREAS, the Planning Commission, after consideration of the staff report, subsequently voted at that meeting to recommend to Town Council that the subject request be approved; and

WHEREAS, a properly noticed Public Hearing was held on July 11, 2023 providing the public an opportunity to comment on the proposed amendment; and

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

This Ordinance is adopted to amend the Town of Kiawah Island Comprehensive Plan Future Land Use Element, Future Land Use categories and Comprehensive Plan Map IX.2, Future Land Use; to change the Future Land Use designation for the subject property (209-06-00-344) from “Commercial” to “Active Recreation and Opens Space”.

SECTION 2 Amendment

That the Town of Kiawah Island Comprehensive Plan Map IX.2 Future Land Use, be, and the same hereby amended as follows in “**Attachment 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 of property, 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 second reading approval.

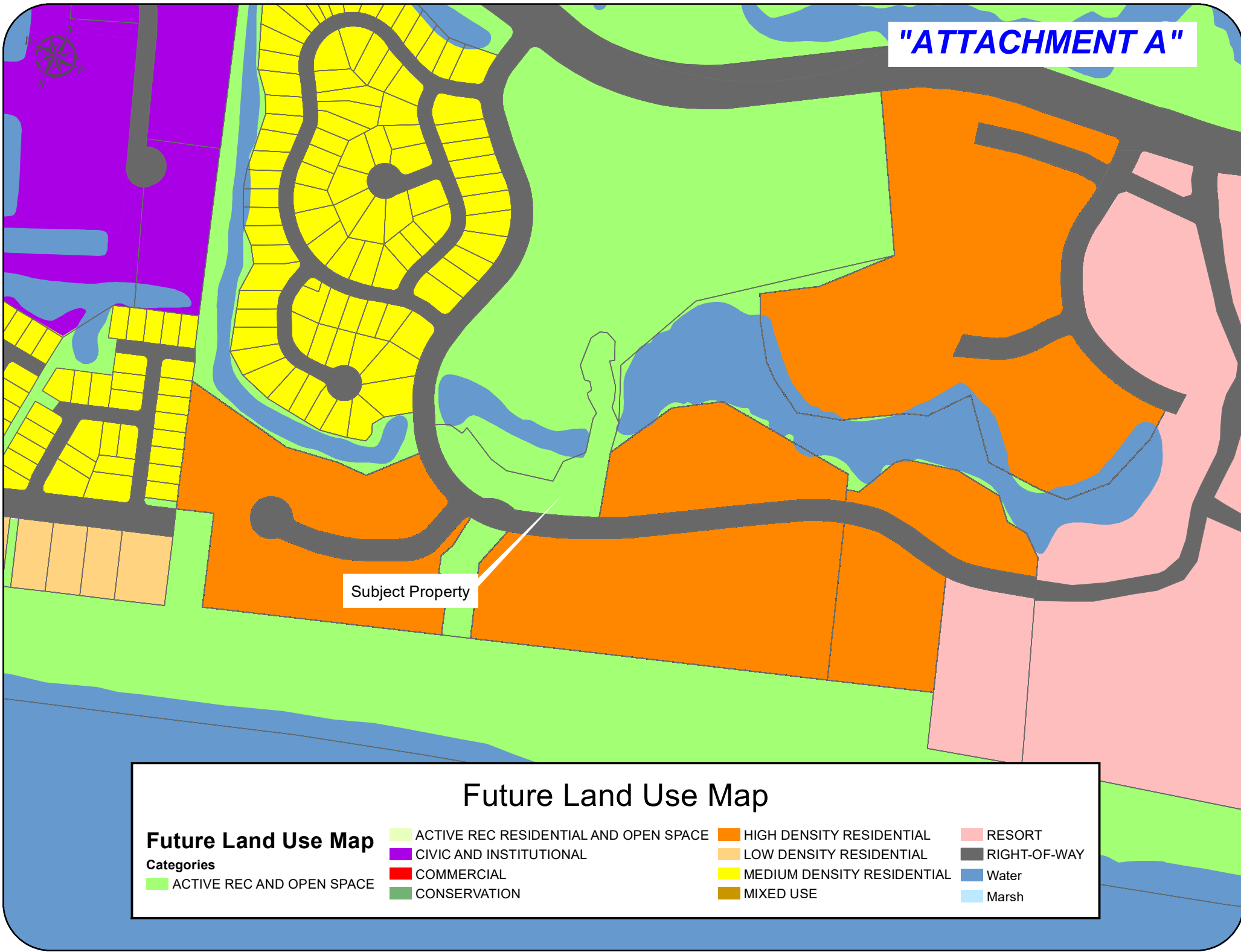
**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS 1ST DAY OF AUGUST, 2023.**

John Labriola, Mayor

Petra Reynolds, Town Clerk

First Reading: July 11, 2023

Second Reading: August 1, 2023



Subject Property

Future Land Use Map

Categories

ACTIVE REC AND OPEN SPACE	ACTIVE REC RESIDENTIAL AND OPEN SPACE	HIGH DENSITY RESIDENTIAL	RESORT
CONSERVATION	CIVIC AND INSTITUTIONAL	LOW DENSITY RESIDENTIAL	RIGHT-OF-WAY
	COMMERCIAL	MEDIUM DENSITY RESIDENTIAL	Water
		MIXED USE	Marsh



TAB 8

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND

ORDINANCE 2023-11

AN ORDINANCE TO AMEND CHAPTER 12 - LAND USE PLANNING AND ZONING, ARTICLE II. - ZONING, DIVISION 2. - ZONING MAP/DISTRICTS, SECTION 12-62. – ZONING MAP BY REZONING THE PROPERTY (209-06-00-344) FROM THE “COMMERCIAL” (C) ZONING DISTRICT TO THE “PARKS AND RECREATION” (PR) ZONING DISTRICT OF THE ZONING ORDINANCE OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to rezone the property identified (TMS: 209-06-00-344) from the Commercial (C) Zoning District to the Parks and Recreation (PR) Zoning District; and by amending the zoning map with its permitted uses by right and by condition; and

WHEREAS, the zoning map amendment would be compatible with surrounding land uses and would not be detrimental to the public health, safety and welfare; and

WHEREAS, the Planning Commission held a meeting on June 7, 2023, at which time a presentation was made by staff and the applicant, 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 at that meeting to recommend to Town Council that the subject request be approved; and

WHEREAS, Town Council held a Public Hearing on July 11, 2023, providing the public an opportunity to comment on the proposed amendments; and

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 Amendment

That the Town of Kiawah Island Zoning Ordinance, be, and the same hereby amended as follows in **“Attachment A.”**.

SECTION 2 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 of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3 Effective Date and Duration

This Ordinance shall be effective upon second reading approval.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS 1st DAY OF AUGUST 2023.**

John Labriola, Mayor

Petra Reynolds, Town Clerk

First Reading: July 11, 2023

Second Reading: August 1, 2023





TAB 9

TOWN COUNCIL

Agenda Item

THE TOWN OF KIAWAH ISLAND

RESOLUTION 2023-02

A RESOLUTION TO ADOPT THE TOWN OF KIAWAH ISLAND VOLUNTEER POLICY

WHEREAS, the Town of Kiawah Island values the involvement of volunteers for their work in the Community; and

WHEREAS, the Volunteers are individuals who undertake activities on behalf of the Town, of their own free choice, unpaid and without financial gains, and focused on creating public and community benefit; and

WHEREAS, the Town Council wishes to provide the general requirements for volunteer positions and to establish volunteer recruitment and appointment standards; and

WHEREAS, the Town Council has determined that it is appropriate and in the best interest of the Town and the Community to adopt the *Town of Kiawah Island Volunteer Policy*.

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 the Town of Kiawah Island Volunteer Policy (Attachment "A").

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 DAY OF 2023.**

John Labriola, Mayor

Petra S. Reynolds, Town Clerk

Town of Kiawah Island

Volunteer Guideline



The Town of Kiawah Island Town Council values the involvement of volunteers in their work for the community because they help reflect the interests, needs, and resources of the Town of Kiawah Island (“TOKI” or the “Town”) community we all aim to serve and bring a unique perspective to all our work tasks.

This volunteer policy provides the TOKI’s principles and practices by which we involve volunteers and is therefore relevant to all staff, select volunteers, and Town Council (“TC”). Volunteers are individuals who undertake activities on behalf of the Town, of their own free choice, unpaid and without financial gains and focused on creating public and community benefit.

Title 8, Chapter 25 of the South Carolina code governs the Town’s relationship with its volunteers. Town Volunteers appointed, recruited, trained, or accepted by Town Council or any Town department shall, to the extent of their voluntary service, be exempt from all provisions of law relating to employment, work hours, compensation, leave, and employee benefits. Town Volunteers shall comply with applicable work policies, rules, and regulations stipulated by the State of South Carolina and the Town of Kiawah Island. See, S.C. Code 25-25-20.

General Requirements

The requirements to serve as and the term of office for any volunteer position with any TOKI Board, Commission, or Committee shall be governed by the Ordinance or Resolution creating or governing the position, as may be applicable, as well as SC state law (*e.g.*, S.C. Code . § 6-29-320, *et seq.*). This includes any potential requirement for certain background or expertise to serve on a subject Town Board, Commission, or Committee.

The role and responsibility of volunteers are based on trust and mutual understanding. There is no enforceable obligation, contractual or otherwise, for the volunteer to attend or to undertake particular tasks or for the organization to provide continuing opportunities for voluntary involvement, provision of training, or benefits. However, there is a presumption of mutual support and reliability. Reciprocal expectations are acknowledged – both what the Town expects of volunteers and what volunteers expect of the Town.

The Town and its community expect from volunteers:

- to be reliable and honest
- to uphold the Town’s values and comply with organizational policies
- to make the most of opportunities given, *e.g.*, for training
- to contribute positively to the aims of the organization and avoid bringing the organization into disrepute
- behave in a reputable manner
- respect confidentiality
- to carry out tasks within agreed guidelines

The Town recognizes volunteers as an integral part of the organization. Their contribution supports the Town's mission and strategic aims and complements the role of paid staff. The Town aims to encourage and support volunteer involvement to ensure that volunteering benefits the organization, community, and volunteers.

Volunteer Recruitment and Appointment

Our principles of equal opportunity will be adhered to in the recruitment of volunteers. When possible, the Town aims to widely promote opportunities to attract interest from different community sectors.

Each Commission, Board, and Committee should define its Mission Statement, Rules of Procedure, and position description. These documents should be reviewed bi-annually. The position description should provide information such as:

- Required technical qualifications
- General skills needed
- Time commitment
- Activities and tasks involved

These Statements should also explain who is allowed to serve on the Commission, Board, or Committee related to residents, home/property owners, and 3rd party experts not residing on Kiawah.

TOKI Town Council has an Appointment Process for new volunteers to fill open seats on Commissions, Boards, and Committees by the Town Council, with the involvement and advice of the respective Chair of the committee; this process should entail the following:

1. TOKI has an application format, which provides more upfront insights about the candidates and can help clarify a few important entry points for a candidate (for example, disclosure of any Conflict-of-Interest concerns).
2. Each Commission, Board, and Committee should define at least once, with periodic reviews, five to eight Key Assessment Criteria by which volunteer candidates will be evaluated. These criteria should set out such items as the skills required for a position on a Commission, Board, or Committee, the candidate's motivation to serve, and the time commitment necessary to serve.
3. Each candidate should have a structured but informal interview conducted at least by one member of the Town Council and the Chair of the respective Commission, Board, or Committee. Other existing volunteer members or TOKI staff may be included in the interview process at the discretion of the Chair.
4. A Town Council member, the Chair, and any other exiting volunteer members or TOKI staff will review the application materials and interview process and assess whether candidate's ability to serve (the "assessment process"). The outcome of this assessment should be neutrally presented to the Town Council by the Chair of the Commission, Board, or Committee while providing insights into the different opinions that might exist among the different assessors. A recommendation should be allowed if a joint agreement about a

candidate exists, or otherwise, the top-ranked alternatives should be proposed to the Town Council before making a decision by the Town Council.

5. The Final Decision for an Appointment of a volunteer is with the Town Council following the outcome of the assessment process.

End of Term or Resignation

When volunteers move on from volunteering with the Town, they may be asked to provide feedback on the volunteering experience through an exit questionnaire or interview. They may also request the opportunity to discuss their responses to the questionnaire more fully with the Town's administrator.



TAB 10

TOWN COUNCIL

Agenda Item

ORDINANCE 2023-12

AN ORDINANCE TO AMEND THE TOWN OF KIAWAH ISLAND MUNICIPAL CODE ARTICLE 2. - GENERAL GOVERNMENT AND ADMINISTRATION, CHAPTER 3. – MEETING OF COUNCIL AND RULES OF PROCEDURE; ORDINANCES AND RESOLUTIONS, SECTION 2-308. – APPEARANCE OF CITIZENS.

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 2. - General Government and Administration, Chapter 3. – Meeting of Council and Rules of Procedure; Ordinances and Resolutions, Section 2-308. – Appearance of Citizens; and

WHEREAS, it is a commonly accepted practice within the Town of Kiawah Island to provide an opportunity for citizens to give comments as part of regular and special call meetings so that citizens are informed and engaged in its local government; and

WHEREAS, the Town Council of the Town of Kiawah Island now finds that, upon further review, certain adjustments and amendments are needed within the established rules of procedure; and

WHEREAS, the Town Council wishes to amend Section. 2-308 – Appearance of Citizens.

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, Section 2-308. – Appearance of Citizens to provide additional clarity and amend the established rules of procedure.

Section 2 Ordinance Amendment

Section 2-308. Appearance of Citizens shall be amended as follows:

- (a) Any citizen of the Town may speak at a regular or special call meeting on a matter pertaining to municipal services and operation, except personnel matters.
 - (1) Two (2), no time limit, Citizens' Comment periods will be provided during a regular or special call meeting:
 - a. The first opportunity, at the beginning of the meeting, citizens may comment on matters which are scheduled on the agenda for consideration by the Council.
 - b. The second opportunity, towards the end of the meeting, after all official business has been completed but prior to adjournment, citizens may comment on any topic.
- (b) Responses to public presentations, *comments*, and/or questions shall be made at the Council's discretion and in the manner described below.

- (1) Persons wishing to make formal reports or presentations to Council shall so notify the Town Clerk no later than three (3) full working days prior to the Council meeting for the mayor's approval to add to the Town Council agenda. If approved, the person shall provide the Town Clerk with a written copy of such report or request to be made to Council. The Town Clerk shall add all such citizen presentations to the formal agenda of the Council meeting.
- (2) All citizens wishing to make informal reports, comments, and/or questions shall:
 - a. Notify the Town Clerk in advance of the meeting or sign up before the meeting begins on the sheet located outside of the Council Chambers.
 - b. Observe the three (3) minute time limit. (Council has discretion to extend the time allowed under specific circumstances.)
 - c. State their name and address at the start of their comment and address the whole Council rather than a specific member.
- (3) All citizens shall be recognized in accordance with the following priority of order:
 - a. Persons who have notified the Town Clerk prior to the meeting their desire to speak;
 - b. All other persons indicating a desire to speak;
 - c. All other persons indicating a desire to ask a question shall be recognized during the second *citizens' comments* and questions period.
- (c) During the Citizens' Comment period, Council will listen only. Responses to public presentations, comments, and/or questions shall be made at the Council's discretion and may be addressed during the Mayor and Councilmember's remarks.
- (d) All citizens wishing to have a question(s) answered may pose the question(s) orally at the council meeting, may submit such question(s) to the clerk in writing at the time such question(s) is presented at the meeting, or may do so prior to the meeting and then also pose the question(s) orally again at the meeting. The Town will make a good faith effort to respond to such question(s) at the meeting when the question(s) is presented if the question(s) can be accurately and readily answered. If not, the Town will make a good-faith effort to respond to such question(s) in writing within two weeks of the public presentation of the question(s).

Section 3 **Severability**

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

Section 4 **Effective Date and Duration**

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

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS ____ DAY OF _____ 2023.

John D. Labriola, Mayor

Petra S. Reynolds, Town Clerk

First Reading:

Second Reading:

DRAFT

Sec. 2-308. Appearance of citizens.

- (a) Any citizen of the town may speak at a regular meeting on a matter pertaining to municipal services and operation, except personnel matters. No more than 30 minutes shall be allowed for citizen presentations, comments and/or questions and the time shall be divided equally among those requesting to speak. Responses to public presentations, comments, and/or questions shall be made at the council's discretion and in the manner described below.
- (1) Persons wishing to make formal reports or requests to council shall so notify the town clerk no later than three full working days prior to the council meeting and shall provide the town clerk with a written copy of such report or request to be made to council. The town clerk shall add all such citizen presentations to the formal agenda of the council meeting.
 - (2) All persons wishing to make informal reports and comments or ask questions shall be recognized in accordance with the following priority of order:
 - a. Persons who have notified the town clerk prior to the meeting of their desire to speak;
 - b. All other persons indicating a desire to speak; and
 - c. All other persons indicating a desire to ask a question shall be recognized during a citizen's comments and questions period after all official business has been completed but prior to adjournment.
 - d. All citizens wishing to have a question(s) answered may pose the question(s) orally at the council meeting, may submit such question(s) to the clerk in writing at the time such question(s) is presented at the meeting, or may do so prior to the meeting and then also pose the question(s) orally again at the meeting. The town will make a good faith effort to respond to such question(s) at the meeting when the question(s) is presented if the question(s) can be accurately and readily answered. If not, the town will make a good faith effort to respond to such question(s) in writing within two weeks of the public presentation of the question(s).
- (b) Each speaker shall be limited to five minutes.

(Code 1993, § 2-308; Ord. No. 99-7, 6-8-1999; Ord. No. 2015-02 , §§ 2.F., G., 3-10-2015)

Sec. 2-308. Appearance of citizens.

- (a) Any citizen of the town may speak at a regular meeting on a matter pertaining to municipal services and operation, except personnel matters. ~~No more than 30 minutes shall be allowed for citizen presentations, comments and/or questions and the time shall be divided equally among those requesting to speak. Responses to public presentations, comments, and/or questions shall be made at the council's discretion and in the manner described below.~~
- (1) Two (2), no time limit, Citizens' Comment periods will be provided during a regular meeting or special call meeting:
- The first opportunity, at the beginning of the meeting, citizens may comment on matters which are scheduled on the agenda for consideration by the Council.
 - The second opportunity, towards the end of the meeting after all official business has been completed but prior to adjournment, citizens may comment on any topic.
- (b) Responses to public presentations, comments, and/or questions shall be made at the council's discretion and in the manner described below.
- (1) Persons wishing to make formal reports or requests to Council shall so notify the Town Clerk no later than three (3) full working days prior to the Council meeting and shall provide the Town Clerk with a written copy of such report or request to be made to council. The Town Clerk shall add all such citizen presentations to the formal agenda of the Council meeting.
- (2) All persons wishing to make informal reports and comments or ask questions shall:
- Notify the Town Clerk in advance of the meeting or sign up before the meeting begins on the sheet located outside of the Council Chambers.
 - Observe the three (3) minute time limit. (Council has discretion to extend the time allowed under specific circumstances.)
 - State their name and address at the start of their comment and address the whole Council rather than a specific member.
- (3) All citizens shall be recognized in accordance with the following priority of order:
- Persons who have notified the Town Clerk prior to the meeting of their desire to speak;
 - All other persons indicating a desire to speak;
 - All other persons indicating a desire to ask a question shall be recognized during a the second citizen's comments and questions period. ~~after all official business has been completed but prior to adjournment.~~
- (c) During the Citizens' Comment period, Council will listen only. Responses to public presentations, comments, and/or questions shall be made at the Council's discretion and may be addressed during the Mayor and Councilmember's remarks.
- (d) All citizens wishing to have a question(s) answered may pose the question(s) orally at the council meeting, may submit such question(s) to the clerk in writing at the time such question(s) is presented at the meeting, or may do so prior to the meeting and then also pose the question(s) orally again at the meeting. The town will make a good faith effort to respond to such question(s) at the meeting when the question(s) is presented if the question(s) can be accurately and readily answered. If not, the town will make a good faith effort to respond to such question(s) in writing within two weeks of the public presentation of the question(s).

~~(b) Each speaker shall be limited to five minutes.~~



TAB 11

TOWN COUNCIL

Agenda Item

ORDINANCE 2023-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KIAWAH ISLAND AMENDING ARTICLE 4 – FINANCE AND TAXATION, CHAPTER 4. – PURCHASING, SECTIONS 4-412. – SOLE SOURCE PROCUREMENT AND 4-415. – PROFESSIONAL SERVICES

WHEREAS, the Town of Kiawah Island Code of Ordinances currently contains Article 4 - Finance and Taxation, Chapter 4. – Purchasing, Sections 4-412. – Sole source Procurement and 4-415. – Professional Services; and

WHEREAS, the Town Council of the Town of Kiawah Island, upon further review, finds that certain adjustments and additional language are needed within Sections 4-412 and 4-415; and

WHEREAS, the Town Council wishes to amend Sections 4-412. – Sole source Procurement and 4-415. – Professional Services.

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 add the language “or designee” in Sections 4-412. – Sole source Procurement and 4-415. – Professional Services

Section 2 **Ordinance**

The Town hereby amends Section 4-412. – Sole Source Procurement as follows:

A contract may be awarded for a supply, service or construction item without competition when the Mayor or designee determines in writing that there is only one source for the required supply, service, or construction item.

The Town hereby amends Section 4-415. – Professional Services as follows:

- (a) *Public announcement.* It is the policy of the town to publicly announce all requirements for architectural, engineering, land surveying and other professional services and to negotiate such contracts on the basis of demonstrated competence and qualification at fair and reasonable prices. In the procurement of architectural, engineering, land surveying and other professional services, the Mayor or designee or his designee shall request firms to submit a statement of qualifications and performance data.
- (b) *Selection process.* The Mayor or designee shall conduct discussions with no less than three firms regarding the contract and shall select from among them no less than three of the firms deemed most qualified to provide the required services. The selection shall be made in order of preference, based on criteria established and published by the town.
- (c) *Negotiation.* The Mayor or designee shall negotiate a contract with the highest qualified firm for architectural, engineering, land surveying or other professional services at a

compensation which is considered to be fair and reasonable to the town. In making this decision, the Mayor or designee shall take into account the established value, the scope, the complexity, and the professional nature of the services to be rendered. Should the Mayor or designee be unable to negotiate a satisfactory contract with the firm considered to be most qualified, negotiations with that firm shall be formally terminated. The Mayor or designee shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Mayor or designee shall then undertake negotiations with the third most qualified firm. Should the Mayor or designee be unable to negotiate a contract with any of the selected firms, the Mayor or designee shall select additional firms in order of their competence and qualifications, and the Mayor or designee shall continue negotiations in accordance with this section until an agreement is reached.

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 _____, 2023.

John Labriola, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading:

2nd Reading:

Sec. 4-412. Sole source procurement.

A contract may be awarded for a supply, service or construction item without competition when the mayor determines in writing that there is only one source for the required supply, service, or construction item.

(Code 1993, § 4-412)

Sec. 4-415. Professional services.

- (a) *Public announcement.* It is the policy of the town to publicly announce all requirements for architectural, engineering, land surveying and other professional services and to negotiate such contracts on the basis of demonstrated competence and qualification at fair and reasonable prices. In the procurement of architectural, engineering, land surveying and other professional services, the mayor or his designee shall request firms to submit a statement of qualifications and performance data.
- (b) *Selection process.* The mayor or his designee shall conduct discussions with no less than three firms regarding the contract and shall select from among them no less than three of the firms deemed most qualified to provide the required services. The selection shall be made in order of preference, based on criteria established and published by the town.
- (c) *Negotiation.* The mayor shall negotiate a contract with the highest qualified firm for architectural, engineering, land surveying or other professional services at a compensation which is considered to be fair and reasonable to the town. In making this decision, the mayor shall take into account the established value, the scope, the complexity, and the professional nature of the services to be rendered. Should the mayor be unable to negotiate a satisfactory contract with the firm considered to be most qualified, negotiations with that firm shall be formally terminated. The mayor shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the mayor shall then undertake negotiations with the third most qualified firm. Should the mayor be unable to negotiate a contract with any of the selected firms, the mayor shall select additional firms in order of their competence and qualifications, and the mayor shall continue negotiations in accordance with this section until an agreement is reached. The duties of the mayor in regards to this section shall not be delegated.

(Code 1993, § 4-415)

Sec. 4-412. Sole source procurement.

A contract may be awarded for a supply, service or construction item without competition when the ~~Mayor~~Mayor or designee determines in writing that there is only one source for the required supply, service, or construction item.

(Code 1993, § 4-412)

Sec. 4-415. Professional services.

- (a) *Public announcement.* It is the policy of the town to publicly announce all requirements for architectural, engineering, land surveying and other professional services and to negotiate such contracts on the basis of demonstrated competence and qualification at fair and reasonable prices. In the procurement of architectural, engineering, land surveying and other professional services, the ~~mayor~~Mayor or designee or his designee shall request firms to submit a statement of qualifications and performance data.
- (b) *Selection process.* The Mayor or ~~his~~ designee shall conduct discussions with no less than three firms regarding the contract and shall select from among them no less than three of the firms deemed most qualified to provide the required services. The selection shall be made in order of preference, based on criteria established and published by the town.
- (c) *Negotiation.* The ~~Mayor~~Mayor or designee shall negotiate a contract with the highest qualified firm for architectural, engineering, land surveying or other professional services at a compensation which is considered to be fair and reasonable to the town. In making this decision, the ~~mayor~~Mayor or designee shall take into account the established value, the scope, the complexity, and the professional nature of the services to be rendered. Should the ~~mayor~~Mayor or designee be unable to negotiate a satisfactory contract with the firm considered to be most qualified, negotiations with that firm shall be formally terminated. The ~~mayor~~Mayor or designee shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the ~~mayor~~Mayor or designee shall then undertake negotiations with the third most qualified firm. Should the ~~mayor~~Mayor or designee be unable to negotiate a contract with any of the selected firms, the ~~mayor~~Mayor or designee shall select additional firms in order of their competence and qualifications, and the ~~mayor~~Mayor or designee shall continue negotiations in accordance with this section until an agreement is reached. ~~The duties of the mayor in regards to this section shall not be delegated.~~

(Code 1993, § 4-415)



TAB 12

TOWN COUNCIL

Agenda Item



Ross A. Appel
Direct: (843) 937-0400
Fax: (843) 937-0706
ross@mklawsc.com

July 20, 2023

VIA E-MAIL ONLY

Town of Kiawah Island
c/o Joseph C. Wilson, IV, Esquire
Wilson Law Firm
P.O. Box 178
Folly Beach, South Carolina 29439
joew@kiawahisland.org

Re: Engagement of McCullough Khan Appel

Dear Joe:

I hope this letter finds you well. I want to first thank you again for allowing us to be of service in the referenced matter. This engagement letter more fully details the terms of our firm's proposed representation. If the Town of Kiawah Island is agreeable to these terms, please sign and date this letter, and return a copy to me at the above email address.

Scope of Representation

We will be representing the Town of Kiawah Island, South Carolina (the "Town"). Our scope of representation shall be providing zoning and general local government legal advice, on an as-needed basis. Our firm's points of contact shall be the Town's Mayor, the Town Administrator, and the Town Attorney. Our firm is not serving as the primary Town Attorney; rather, our role is to provide supplemental and additional legal services on an as-needed basis only.

Currently, the scope of this representation does not include any litigation services. We are happy to provide those services, if necessary, subject to written agreement between the parties.

Rates for Our Services

Our current hourly rates for services are: \$300.00 for attorney time and \$150.00 for our paralegal's work. Ross Appel will have primary responsibility for this file.

We keep and bill our time in one-tenths of an hour. You will receive detailed billing records indicating the actual time spent on your matter and a detailed description of the work completed. We take pride in utilizing the lowest hourly rate timekeeper to perform any given task and only staff necessary work with the time-keepers necessary to accomplish the task.

Costs Incurred on Your Behalf

We routinely incur costs on our client's behalf for various services, including but not limited to, postage, filing fees, express mailing services, copying charges, service of process charges, and the like. There is a flat \$100.00 fee for the file for legal research software and searches. You will be responsible for charges incurred with third parties on your behalf. However, we do not bill our clients for normal routine postage and routine internal copying charges. We do bill for charges incurred on your behalf for excessive postage above the U.S Postal Service current standard rate, certified mail, restricted delivery mailings, and express mailing services. We also bill for internal copying costs for excessive copies (\$0.15 per page black/white and \$0.25 color) and costs incurred with third-party copying vendors, which we must utilize at times during document production.

Costs incurred on your behalf will be billed on your monthly invoice. Expert fees will be paid directly by the client.

Conclusion of Representation and File Retention

While we work on your matter, we generally will only maintain an electronic file for your matter which will contain all of our work papers, file documents and your documents. At the conclusion of our representation, all printed material pertaining to your representation will be destroyed. We will then retain an electronic copy of your file for six (6) years, at the expiration of which, it will be destroyed without further notice to you. You may have a copy of your electronic file whenever you would like, prior to its destruction.

Payment for Our Services

We will generally invoice your file every 30 days. Payment for our services is due and payable upon receipt of invoice. You agree that the failure to make the payments as specified herein or the replenishment of your retainer are grounds for us to withdraw as counsel and you hereby consent to those terms. If we utilize the funds on retainer to satisfy your monthly invoice and those funds are insufficient to satisfy the invoice, you agree to remit the required payments upon receipt of the invoice. Your file will also incur a late fee if it is not paid within 30 days of invoice.

We would like to thank you again for entrusting this important matter to our firm. We look forward to assisting you with this matter. Should you have any questions about this engagement letter or any other matter with respect to your case, please do not ever hesitate to call.

With kind regards,

MCCULLOUGH KHAN APPEL

A handwritten signature in blue ink, appearing to read 'MG' or similar, with a long horizontal stroke extending to the right.

Ross A. Appel

I hereby agree to the terms and representation as outlined above.

Town of Kiawah Island, South Carolina

By:_____

Date

Its:_____



TAB 13

TOWN COUNCIL

Agenda Item



Request for Town Council Action

TO: Mayor and Council Members

FROM: Brian Gottshalk, Public Works Manager

SUBJECT: Janitorial Services for Municipal Center

DATE: 1 August, 2023

BACKGROUND:

Having a clean and sanitary work environment is an important part of the operations of the Town. The Town has contracted with a third party to perform cleaning and janitorial services in the municipal building and the garage's conditioned portion. The Town currently holds a contract With Jan-Pro Cleaning for these services, and their contract up for expiration this month.

ANALYSIS:

Town staff released an RFP to solicit bids for cleaning and janitorial services. The RFP was posted publicly for two weeks, and Town Staff received seven bids. The results are as follows:

Blink Facility Solutions:	\$1,208 / per month
Integrity Consulting Solutions:	\$3,499 / per month
Cleaning Sensations, LLC:	\$1,150 / per month
Low 7 Consulting, LLC:	\$4,128 / per month
Pinnacle Residential Services:	\$11,099 / per month
Rouse Janitorial Services:	\$30,333 / per month
Steri-Clean:	\$14,560 / per month

ACTION REQUESTED:

Town staff is requesting that Town Council approve the contract with Blink Facility Solutions.

BUDGET & FINANCIAL DATA:

Under the current contract, the Town is billed monthly in the amount of \$1,478. If approved, this contract will decrease the monthly billing by \$270. This contract will be funded through the General Fund.

Town of Kiawah Island

Janitorial Services

INVITATION TO BID



2023

SUBMITTAL FORM
(Offeror to complete all blanks)

Page One

DATE: 7-12, 2023

ORGANIZATIONAL INFORMATION

NAME OF OFFEROR: TTK INVESTMENT, INC.

BUSINESS ADDRESS: 2764 Pleasant Drive Suite A PMB 10405
Fort Mill, SC 29708

BY SUBMITTING HIS PROPOSAL, THE UNDERSIGNED OFFEROR REPRESENTS:

1. that he has carefully examined specifications for the Services;
2. that he is familiar with all the conditions surrounding the performance of the Services;
3. that, if awarded the Contract, he will provide all labor, material, supplies and equipment necessary to execute the Services in accordance with the Contract Documents;
4. that he understands that the Town reserves the right to reject any or all responses which does not meet the proposal requirements, or all proposals in the event that the Project is canceled, postponed, or if it is in the best interest of Town of Kiawah Island;
5. that, if awarded the Contract, he will enter and execute a contract as required in the Invitation to Bid;
6. that the Offeror is legally able to enter into and perform a contract, if awarded;
7. that the Offeror is current on all taxes and fees owed to the Town.
8. that the Offeror has provided proof of insurance as required by the Town.

III. COST:

In Compliance with Request for Proposals, the undersigned hereby proposes to provide all materials, equipment, and labor, except as otherwise provided noted, for the Janitorial Services agreement for the following cost (all prices shall include applicable sales taxes):

All-inclusive Cost for Janitorial Services:
\$1208

All-inclusive Cost for Other Services:
Carpet Cleaning: \$2100
Upholstery Cleaning: \$925

NAME OF COMPANY:

By: Todd Knight

Title: Manager

Address: 1256 Independence Street
 City: ~~Tega Cay~~ State: ~~SC~~ Zip: ~~29708~~ 2764 Pleasant Drive Suite A PMB 10405

Telephone Number: 803-981-4839

Is your firm a X Corporation, _____ Sole Proprietorship, or _____ Partnership?

If incorporated, please list state of incorporation: SC

FEIN or SSN: 26-2809854

I. PERSONNEL:

Provide a list of personnel that will be committed to this engagement and their job function.

CHRIS WINES AREA MANAGER-He will designate the crew lead and cleaners are assigned to your account and provide your building contact a login for our QC App "Swept" at no charge.

II. EXPERIENCE:

At least three (3) references for similar work performed are required; however, you may provide as many as five (5) references.

1. COMPANY NAME: Elevation Church

Contract Title: Cleaning and Janitorial ALL Locations and Main Office

Contract Period: From 2009-Current

Geographic Area Served- NC SC and FL

Scope of Work: Cleaning and Janitorial Service and Floor Maintenance

Contact Name: Landon Trotter

Title: Director of Operations

Telephone: 704-517-1852

II. EXPERIENCE (Continued):

2. COMPANY NAME: New Spring Church

Contract Title: Cleaning and Janitorial Services

Contract Period: From 2017 To Current

Geographic Area Served NC and SC Campuses

Scope of Work: Cleaning and Janitorial Service and Floor Maintenance

Contact Name: Danny Bear

Title: Director of Facilities

Telephone: 864-634-4330

3. COMPANY NAME: First Citizens Bank

Contract Title: Cleaning and Janitorial Services

Contract Period: 2016 To Current

Geographic Area Served 112 Offices South Carolina and North Georgia

Scope of Work: Cleaning and Janitorial Service and Floor Maintenance

Contact Name: Matt Walters

Title: Senior Property Manager

Telephone: 910-308-6032

4. COMPANY NAME: Town of Clayton Parks and Recreation Department
Contract Title: Cleaning and Janitorial Service
Contract Period: From 2014 To Current
Geographic Area Served All Town Community Centers and Parks Locations
Scope of Work: Cleaning and Janitorial Service
Contact Name: Jimmy Bradley
Title: Parks Operations Superintendent
Address: 715 Amelia Church Road
City: Clayton
State: NC
Telephone: 919-553-1551
Email: jbradley@townofclaytonnc.org

5. COMPANY NAME: State of NC Department of Administration
Contract Title: Janitorial Services for Headquarters Building Dept of Environmental Quality
Contract Period: From 2020 To Current
Geographic Area Served Raleigh NC
Scope of Work: Cleaning and Janitorial Service and Floor Maintenance
Contact Name: Sara Joyce
Title: Senior Facility Manager
Telephone: 919-886-4197
Email: Sara.Joyce@doa.gov

NON-COLLUSION OATH

COUNTY OF: WAKE

STATE OF: NC

Before me, the Undersigned, a Notary Public, for and in the County and State aforesaid, personally appeared BENNETT EMORY and made oath that the Offeror herein, his agents, servants, and/or employees, to the best of his knowledge and belief, have not in any way colluded with anyone for and on behalf of the Offeror, or themselves, to obtain information that would give the Offeror an unfair advantage over others, nor have they colluded with anyone for and on behalf of the Offeror, or themselves, to gain any favoritism in the award of the contract herein.

SWORN TO BEFORE ME THIS 12th DAY OF July, 2023


Authorized Signature for Offeror

Please print Offeror's name and address:

TTK INVESTMENT INC / Bank Facility Solutions
2764 Pleasant DRIVE Suite A - PMB 10405
FORT MILL, SC 29708


Notary Signature

NOTARY PUBLIC FOR THE STATE OF NC

My Commission Expires: 12/04/25

Print Name: BRYAN D CHUCATA



BUSINESS LICENSE:

The Offeror is not required to have valid business licenses to submit a Proposal. However, Offeror's must possess a valid Business License for business undertaken within the corporate limits of the Town of Kiawah Island.

Does your business have a valid **Town of Kiawah Island** Business License?

☐ Yes ☒ No If yes, list the number _____

Contact (843) 768-9166 with any questions. If no, a business license must be obtained upon award of the contract.

INSURANCE:

Contractor shall carry and maintain Worker's Compensation Insurance in statutory amounts for its employees, unless exempt by State statute. Contractor shall provide Town with certification of this coverage, or if exempt, written confirmation of this.

Contractor shall be insured with Worker's Compensation, carry a Comprehensive Liability Policy of at least One Hundred Thousand (\$100,000) Dollars per occurrence (combined single limit of liability) to cover operations equipment and contractual liability, and have a (\$50,000 minimum) janitorial bond. Contractor shall provide Town with a copy of the policy which shall name the Town as an additional insured.

Contractor shall defend, indemnify, and hold harmless the Town, its elected officials and employees from and against any and all actions, costs, claims, losses, expenses and/or damages arising out of performance of the working contractor.

MINORITY/WOMEN-OWNED ENTERPRISE:

Are you a Minority or Woman-Owned business? ☐ Yes ☒ No

If so, are you certified? ☐ Yes ☐ No

If you are certified, you must furnish a copy of your certificate with your submittal.

EXPERIENCE THE

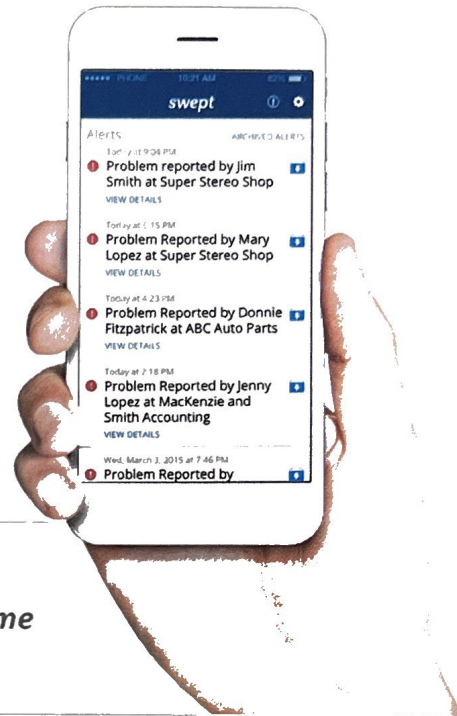
Blink Facility Solutions



ADVANTAGE

We equip our cleaners with mobile technology that helps them do their best work, and allows us to better manage our team. Here's what it means for you:

- Our cleaners know exactly how you'd like your space to be cleaned and disinfected, even when they're new
- If a cleaner misses a shift, we know about it first and can ensure your space is still cleaned on time
- We begin addressing any issues that arise on site before they impact you or your business



Our office cleaners use Swept, and we noticed a difference instantly. They know when little things come up and just deal with it! - BRIANNA STRATTON, THE BRIDGE

Removing Language Barriers

Miscommunications can impact the quality of service you receive. We use Swept to send messages, instructions, and feedback in the cleaner's native language. This ensures our cleaners understand what is expected of them, and allows them to do their best work.

Reporting Problems Proactively

No one is perfect, but we differentiate ourselves by being proactive if something does come up. Our cleaners are trained to report any issue, big or small, at the end of their shift so that their manager is aware and can begin troubleshooting immediately.

Customized Cleaning Instructions

Say goodbye to log books, and hello to the future of cleaning. With your permission, we'll take photos of your space and add notes to each one for our cleaners. With these detailed, visual instructions our cleaners will know exactly how you'd like each room to be cleaned.



Blink Facility Solutions
www.blinkfacilitiesolutions.com

Raleigh: (919) 803-7397
Charlotte: (803) 981-4839

swept

Blink Facility Solutions uses Swept to improve communication and management. To learn more about Swept, visit sweptworks.com



TAB 14

TOWN COUNCIL

Agenda Item



Kiawah Island Parkway at Andell West Development Roundabout



Timeline

2021- Kimley-Horn reviewed the initial traffic study performed by Ramey Kemp for the Andell West Development

2022 -The Land uses and intensities from the initial study were included in the Kiawah Island Corridor Study

2022/2023 - After the completion of the Corridor Study, the Andell West developer updated the land uses Ramey Kemp updated the traffic study was found as acceptable with a few minor comments

2023 - The Ramey Kemp Study recommended either a traffic signal or roundabout at the Andell West Entrance off of Kiawah Island Parkway

2023 - Kimley-Horn tested the roundabout and signal to make sure the data in the Kiawah Island Corridor Study remained acceptable. The recommendations in the Kiawah Island Corridor Study for this intersection are unchanged.

Kiawah Island Parkway at Andell West Recommendations

- A roundabout at the main Andell West Tract access will operate acceptably in the short-term horizon year (2026).
- A roundabout at the main Andell West Tract access will operate over capacity in the long-term horizon year (2036).
 - A traffic signal is anticipated to operate acceptably in the long-term conditions.
 - The long-term analysis assumes all vacant land in tracts A, B, and C will be developed. If these tracts do not develop at the same intensity assumed in the *Kiawah Island Parkway Intersection and Corridor Study*, a roundabout may operate acceptably long-term.
 - A traffic signal was not a preferred alternative of the Town of Kiawah Island

Proposed Roundabout Layout



Proposed Signal Layout





Kiawah Island Parkway at Beachwalker Drive Alternative Benefit-Cost Analysis Comparison



Examples of Benefits

Safety Improvements – This associates benefits in dollars with reducing certain crash types and severities

Travel Time Savings – This associates benefits in dollars with an Average Value of Time per Person

Emissions Reduction – This associates benefits in reducing

- Nitrogen Oxides
- Sulfur Oxides
- Particulate Matter
- Carbon Dioxide

Examples of Costs

Preliminary Design, Engineering, and Right-of-Way

- Designs Services
- Construction Management
- Right-of-Way (Permanent/Temporary)
- Appraisal Costs of KIRE Building – as applicable

Construction Costs

- Mobilization/Traffic Control/Quality Control
- Roadway
- Median
- Erosion Control
- Landscaping
- Grading
- Drainage
- Signing and Marking
- Traffic Control
- 35% Contingency

Alternative 1 – Concept Design



Alternative 1 – Levels of Service

Level of Service Legend:



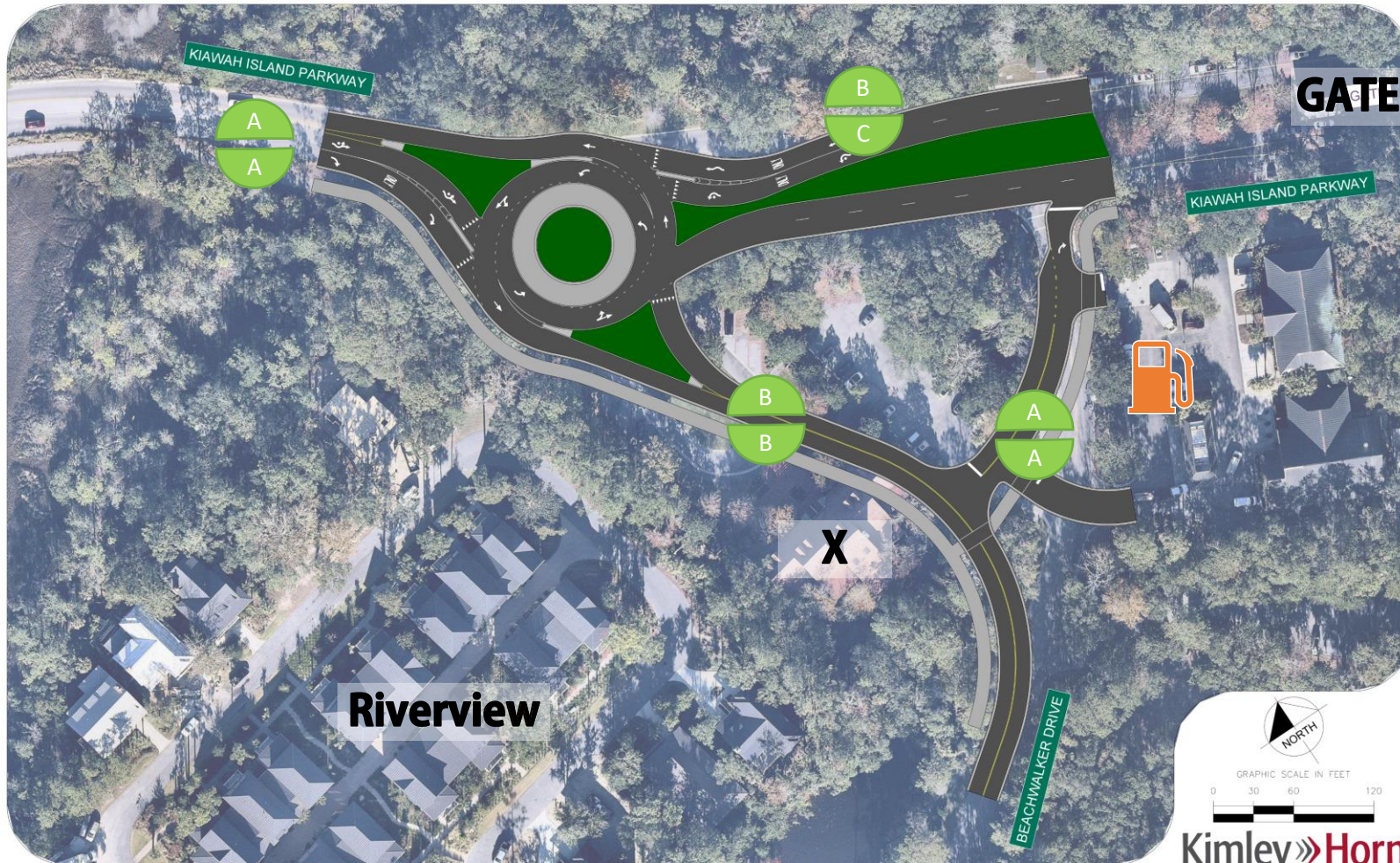
Alternative 2 - Concept Design



Kiawah Island Parkway at Beachwalker Drive (Alternative 2)
Kiawah, South Carolina
July 19, 2023

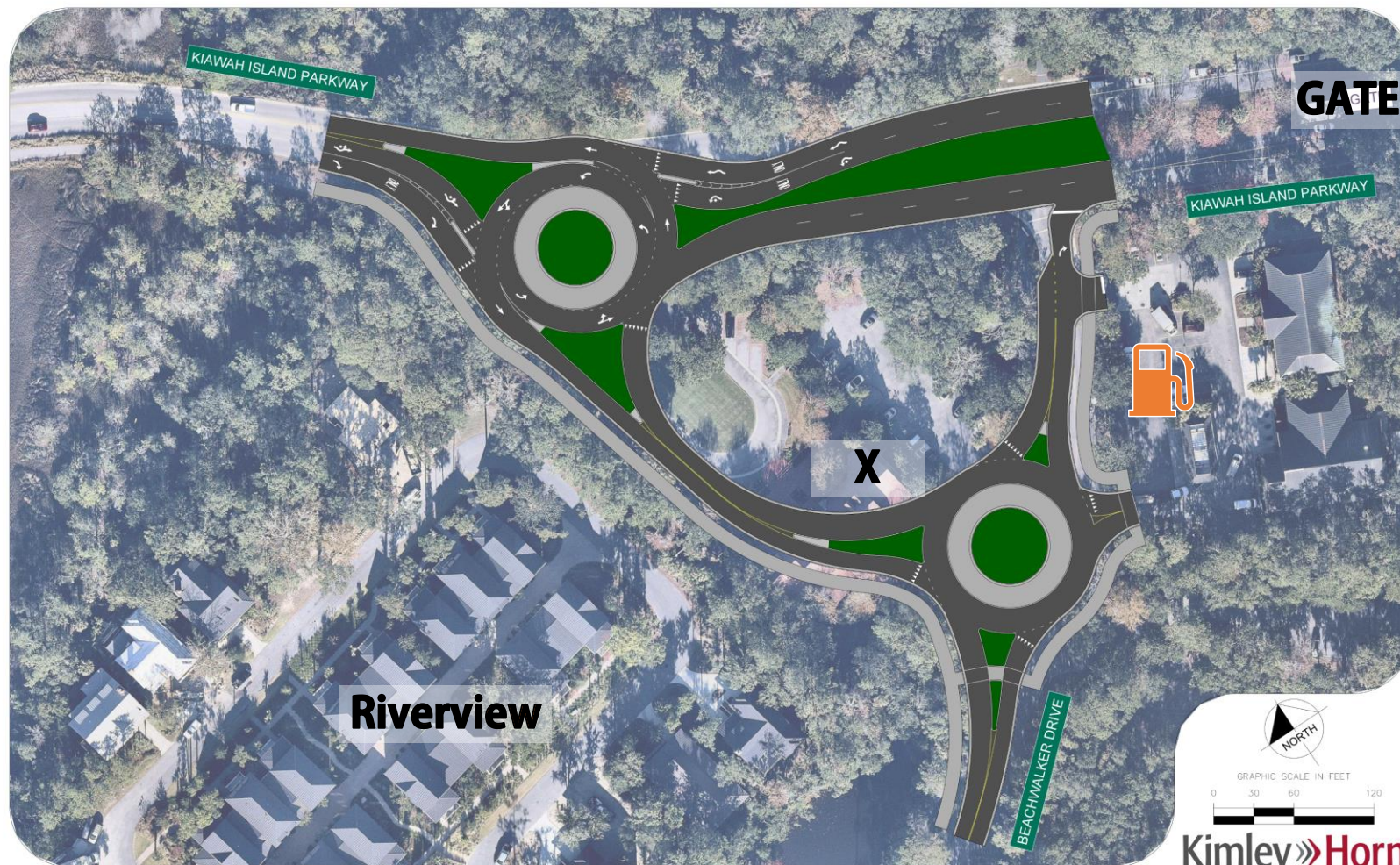
Alternative 2 – Level of Service

Level of Service Legend:



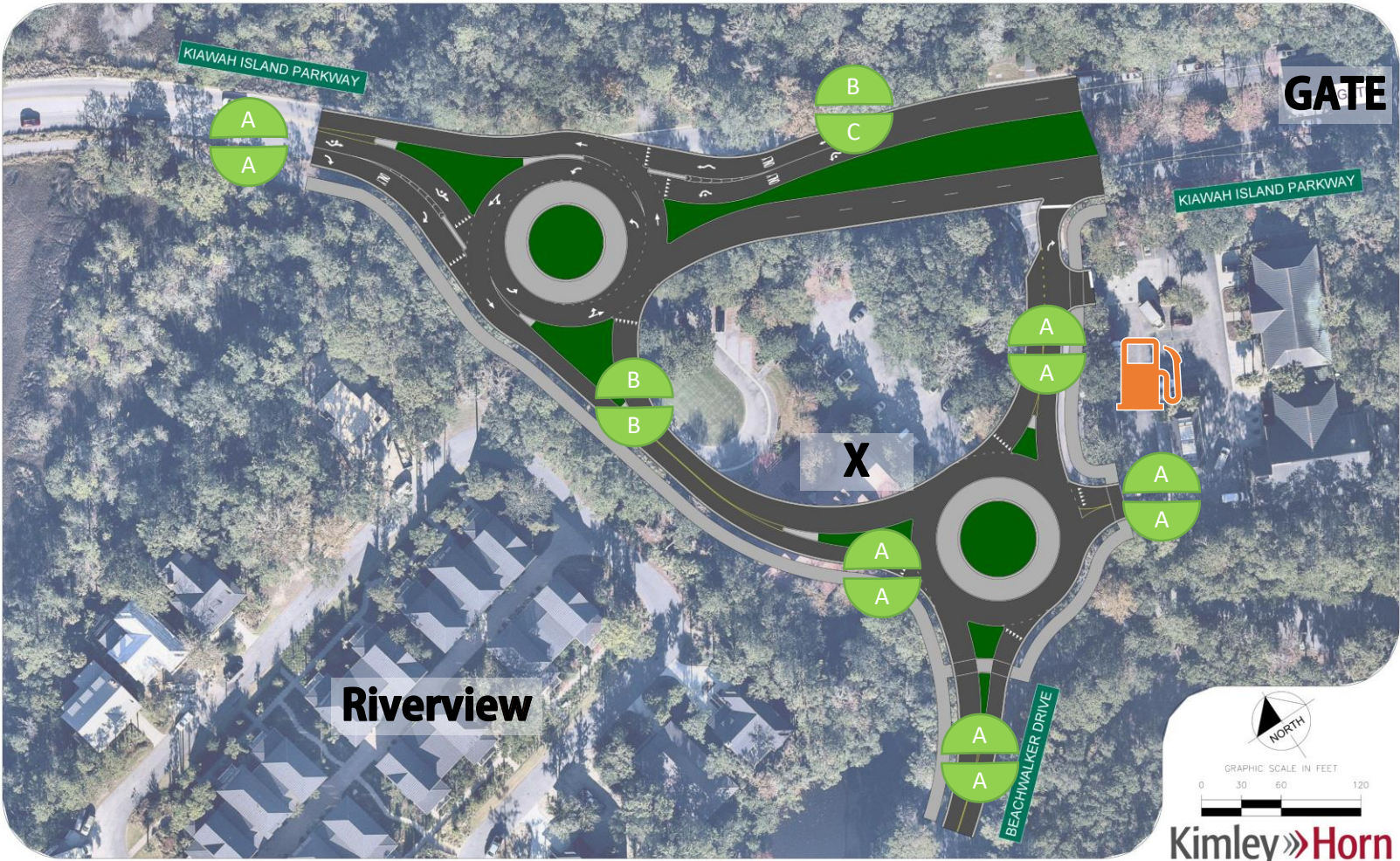
Kiawah Island Parkway at Beachwalker Drive (Alternative 2)
Kiawah, South Carolina
July 19, 2023

Alternative 3 - Concept Design



Kiawah Island Parkway at Beachwalker Drive (Alternative 3)
Kiawah, South Carolina
July 19, 2023

Alternative 3 – Level of Service



Level of Service Legend:



Kiawah Island Parkway at Beachwalker Drive (Alternative 3)
Kiawah, South Carolina
July 19, 2023

Overall Results – Beachwalker Drive at KIP

Alternative 1 Beachwalker Dr at KIP

Approach	AM Peak Hour	PM Peak Hour
Eastbound (KIP Inbound)	D (33.0)	E (38.0)
Westbound (KIP Outbound)	A (9.7)	B (10.6)
Northbound (Beachwalker Dr)	B (12.2)	B (14.5)
Overall Intersection	D (28.6)	D (31.5)
Overall BCA	68.28	
OPCC	~\$800,000	

OPCC – Opinion of Probable Construction Costs

Alternative 2 Beachwalker Dr at KIP

Approach	AM Peak Hour	PM Peak Hour
Eastbound (KIP Inbound)	A (7.2)	A (8.2)
Westbound (KIP Outbound)	A (9.0)	C (19.0)
Northbound (Beachwalker Dr)	B (10.6)	B (14.3)
Overall Intersection	A (8.2)	B (13.9)
Overall BCA	9.53	
OPCC+	~\$3.2 Million	

OPCC – Opinion of Probable Construction Costs
+ - Building and Land Costs for KIRE Excluded

Alternative 3 Beachwalker Dr at KIP

Approach	AM Peak Hour	PM Peak Hour
Eastbound (KIP Inbound)	A (7.2)	A (8.2)
Westbound (KIP Outbound)	A (9.0)	C (19.0)
Northbound (Beachwalker Dr)	B (10.6)	B (14.3)
Overall Intersection	A (8.2)	B (13.9)
Overall BCA	8.81	
OPCC+	~\$4 Million	

OPCC – Opinion of Probable Construction Costs
+ - Building and Land Costs for KIRE Excluded