

TOWN COUNCIL
Municipal Center Council Chambers
December 5, 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 the Meeting: John D. Labriola, *Mayor*
Michael Heidingsfelder, *Mayor Pro Tem*
Russell Berner, *Council Member*
Brad Belt, *Council Member*

Also Present: Stephanie Tillerson, *Town Administrator*
Joe Wilson, *Town Attorney*
Dorota Szubert, *Finance Director*
Brian Gottschalk, *Public Works Manager*
Michael Nardelli, *Public Works Assistant*
Jim Jordan, *Wildlife Biologist*
Bruce Spicher, *Building Official*

- IV. **Approval of Minutes:**
 - A. Minutes of the Special Call Town Council Meeting of October 24, 2023. *Council Member Berner made a motion to approve the October 24, 2023, Special Call Town Council Meeting Minutes. Mayor Pro Tem Heidingsfelder seconded the motion. Following the corrections, the minutes were unanimously approved as amended.*
 - B. Minutes of the Town Council Meeting of November 7, 2023. *Approval of the November 7th minutes was deferred to the next meeting.*
- V. **Updates:**
 - A. Mayor - None
 - B. Council Members

Mayor Pro Tem Heidingsfelder provided updates on the following:

- 1. With the expiration of the Development Agreement with the Partners, a couple of stipulations related to Captain Sam's Spit will need to be pursued. One paragraph seemed to be straightforward, and another he felt could be interpreted in different ways but was confident that would be sorted out by the attorneys. In the letter released earlier by PreserveKiawah, it appears that the Town has not acted on those paragraphs. He indicated that PreserveKiawah was advised that the statement was incorrect, pointing out that the KICA (Kiawah Island Community Association) and the Town have acted on both paragraphs.
- 2. The KICA/Town ARB (Architectural Review Board) Workgroup was nearing the completion of its work and encouraged the community to read the report being released today. He stated that the upcoming podcast will provide an explanation and next steps, followed by a community drop-in that is being scheduled.
- 3. He and Council Member Berner have been working hard to mitigate the traffic situation at the first gate. He noted that a Town CSO (Community Service Office) had been hired and would be guiding traffic at the Parkway and Beachwalker Drive intersection to help mitigate the traffic backup at the gate.

4. At the Retreat, in the discussion of traffic mitigation, Council Members seemed to favor selecting certain days when construction workers would not be allowed on the island. At their meeting, the KICA Board moved forward by adding several days, before and after holidays, when construction work will not be allowed on the island.
5. There have been many recent discussions with emergency agencies, and one of the key topics brought forward was finding a way to provide a full-time, 24/7, fully staffed ambulance onto the island. Currently, an ambulance is occasionally stationed at Station 6 when off-duty personnel is available to staff it, so the Town would like the island to have its own truck. He noted that they also attended the St. John's Fire District (STJFD) strategy session to emphasize the need for more firefighters to be trained as paramedics to help with emergency responses on the island.
6. There were two bomb threats on the island this year. In the February incident at the Kiawah Island Real Estate Office, he noted the STJFD arrived on site just over four minutes after the call came in, Beach Patrol arrived in seven minutes, and the deputies arrived in thirteen minutes. In the November incident at the Freshfields Harris Teeter, STJFD arrived within nine minutes, with deputies taking over twenty-two minutes to arrive. He hoped that providing this information to the community would inspire more conversation and debate on whether there is a need for the island to have its own police department. The Town has an RFP being revised for a consultant to help make that determination.
7. There have been discussions with various governmental agencies in the ongoing effort to get a No-Wake Zone on the Kiawah River between the Parkway Bridge and Captain Sam's inlet. Despite that, the request did not meet the very strict requirements, the Department of Natural Resources (DNR) helped with a compromise by providing official signs to remind boaters that they are responsible for their wake. The first of the signs have been installed at the bridge and Mingo Point.

Council Member Berner stated that along with Mayor Pro Tem Heidingsfelder, he wanted to emphasize his concern for the police force as well and that safety was a number one priority.

Council Member Berner reported that the installation of the first blinking crosswalk signs on the island was only a month or two away. The signs would be installed at the most dangerous intersection, the Parkway and Beachwalker Drive. If the signs are successful, they will be expanded throughout the island.

Council Member Berner reported that he received a notice from the John's Island Task Force that, as of today, the State will release \$75 million for the I-526 extension land acquisition. He noted that the project is currently forecasted to cost \$2.2 billion, of which the state will only pay \$400,000. Charleston is now looking at increasing the gas tax by one cent.

Council Member Belt also commented that the ARB task force report will be released soon, noting several members were in attendance. He stated that a lot of time and effort went into the report, and even though there may not be an agreement with everything, feedback is critically important.

Council Member Belt commented on the issue regarding Captain Sam's Spit and the letter from the KICA Board submitted yesterday to Kiawah Partners. He explained that the development agreement between the Town and Kiawah Partners, which expired yesterday, has obligations, rights, and responsibilities that pertain to both parties and some Provisions for which KICA is known as a third-party intended beneficiary. There is a paragraph in the agreement under paragraph 16(f) that says the property owner, Kiawah Partners, shall convey to KICA on or before the end of the termination date of the agreement all the areas on Sam spit that are essentially below the OCRM critical Baseline on the ocean side and the critical line on the marsh side that at the date the agreement was entered into was about 117 acres will be conveyed to KICA by quit claim deed on or before the termination date of the agreement. The other paragraph seems to read that the property owner also agrees that all other remaining Highlands areas on the island not developed at that point in time will be covenanted to non-developable passive Green Space. To anyone concerned with the future of Sam's Spit, it is a critically important issue.

Council Member Belt gave an update on the Bohicket Marina Development by stating that the Seabrook election saw an overturn of its Mayor and Council Members, all of whom opposed the initial project or opposed it unless there was a clear benefit for the Seabrook residents making it unlikely there will be movement on the project in the near future.

Council Member Belt provided updates as follows:

- Staff indicated that foundation work has begun at Seafields
- There have not been any updates on the MUSC project since Dr. Cawley's update to the council last month.
- Staff indicated the scheduled completion date for The Cape is August 1, 2024
- The health and wellness village project is currently scheduled for a Charleston County Public Hearing on December 12th despite the Charleston County Planning staff recommending against the development and a 7-0 vote of the Charleston County Planning Commission against the project
- Beachwalker projects –
 - The Council approved the Planning Commission recommendations for the rezoning of various parcels
 - Staff is reviewing the site plans for the upper and lower Beachwalker tracts – several comments were submitted, with the most notable concerning additional required parking
 - Building and construction drawings have been submitted and are being reviewed simultaneously with the site plans
- There have been discussions between the Inlet Cove and Riverview HOAs, the Cottage Owners Association, and Kiawah Partners regarding a number of potential issues with both development and a possible planned development district for the upper tract.

C. Administrator - None

VI. Citizens' Comments (Agenda Items Only):

Jordan Phillips – Kiawah Partners

Mr. Phillips stated that over the past 18 months, Kiawah Partners has been focused on several specific initiatives to better the community.

The Cape/Ocean Pines project - To make up for the agreed shortfall of 85 spaces, two six-unit buildings from the project were removed. The site plan will be revised and resubmitted with the hope of moving toward approval for the project.

Upper Beachwalker projects - The Plan Development (PD) process is anticipated to begin in January. Following very productive meetings with neighboring associations, the Partners look forward to a collaborative process of getting a PD in place that all parties can be happy with.

Architectural Review Board (ARB) - Kiawah Partners is committed to an orderly transition of the ARB to KICA and would like the Town to appoint a member to the ARB. The transition is anticipated to be phased and will begin after the *Designing with Nature Guidelines* are revised and adopted by KICA.

Captain Sam's Spit - The opinion of the Partners is that the donations and restrictions were conditioned on the ability to proceed with the development. The descriptions of the property to be burdened with permanent restrictions and their conveyance to KICA clearly contemplate the development would have occurred, which it did not.

Alex Fernandez – 418 Snowy Egret

Mr. Fernandez commented on the solid waste proposal being considered, and since the lowest bidder would be a new company, he wanted to make sure that staff contacted customers of the new company and that the levels of service to the residents would not be reduced.

VII. Kiawah Island Golf Resort Update – Roger Warren, President, Kiawah Island Golf Resort

Mr. Warren stated that since 2020 and the end of the pandemic, the Resort had experienced enormous growth in business. As the Resort moves forward for the next 5 to 10 years, like any progressive business, we want to look at what we need to do to keep getting better, to keep making sure that the product we provide the experience that we provide for everyone is something that they'll continue to be proud of.

Mr. Warren stated that 2023 was the 30th anniversary of the Goodwin family buying the Resort. When asked what would happen when the company's principal steps down, he felt 99% sure that they will continue to own and operate this Resort through the family through generations because that is how important it is to them.

Mr. Warren stated that the Resort has been operating since 2017 under a Development Agreement set to expire in 2027. He calculated that the Resort had spent \$95 million on projects during that time. He stated that discussions have started with the Town on a new development agreement taking the Resort from 2024 to 2034. The intention is that within the next ten years, the resort will have multiple projects they would like to bring online that will continue improving the resort. He noted that with every agreement, there is a degree of negotiation that goes on, but the Resort is more than willing to have this conversation and committed to coming up with a plan that the Town Council and the community will support.

VIII. Old Business: None

IX. New Business:

A. To Consider Approval of the 2024 Meeting Calendar

Mayor Pro Tem Heidingsfelder made a motion to approve the 2024 Meeting Calendar. Council Member Berner seconded the motion.

Council Member Belt stated the Planning Commission meetings are a day after Council meetings, and the question has come up whether it might make sense for it to be the other way around since the Planning Commission often makes recommendations to the Council and with the exception of a special call meeting, are not taken up for another month thereafter.

Council Members discussed the suggestion and agreed that it would be the responsibility of the Planning Commission Chairman to handle a proposal to the Commission.

Following the discussion, the motion was unanimously approved.

B. To Consider Approval of the Proposal for Solid Waste Services

Mayor Labriola stated that the proposal was considered and recommended for approval by the Ways and Means Committee.

Council Member Berner made a motion to approve the proposal for Trident Waste for solid waste services. Mayor Pro Tem Heidingsfelder seconded the motion.

Council Member Berner stated that he questioned the differences between the two bids, so there was a thorough review, not just looking at the bottom line of the bids but going line by line, looking for disparities or discrepancies or large differences in the proposed unit rate. In addition, the selection group interviewed the bidders, so he felt there was a thorough vetting of the proposals. To Mr. Fernandez's comment, Customers were not talked to, but references were checked, and they received glowing recommendations. He noted that Trident Waste was an impressive group, and he was comfortable moving forward with their proposal.

Council Member Belt agreed that Trident Waste was very professional and did a good job presenting its services. He reviewed the draft of the contract, suggesting adding a requirement to not co-mingle regular trash and recyclables along with the addition of "the improper treatment of trash" to the ability to impose penalties. Mayor Pro Tem Heidingsfelder also reviewed some of the edits he had already submitted and requested that Trident commit to helping the Kiawah Goes Green initiative with a household hazardous waste collection event in the coming weeks.

Following the discussion, the motion to approve the proposal from Trident Waste was unanimously approved.

C. To Consider Approval of the Fiscal Year 2023/2024 November SATAX Funding Amounts

Mayor Labriola stated that SATAX funding amounts were reviewed and recommended for approval by the Ways and Means Committee.

Mayor Pro Tem Heidingsfelder made a motion to approve the Fiscal Year 2023/2024 November SATAX Funding Amounts. Council Member Berner Seconded the motion.

Council Member Belt stated that one of the items matters discussed at the Ways and Means meeting was trying to do a better job of getting out to the community the opportunity for entities who could justify their expenditures as tourism-related under the state statute to take a look at whether or not they may want to consider applying for SATAX funds.

Following the discussion, the motion was unanimously approved.

D. To Consider Approval of the Purchase of a Ford Lightning Truck

Mr. Nardelli stated that Town employees are required to use vehicles to help perform their job duties. The purpose of this vehicle is to help serve the job and duties of the Public Works Department. This vehicle will replace the 2017 Toyota Tundra V8 within the Public Works Department. The Public Safety Department will repurpose that vehicle for their new employee to use as it is in great mechanical shape and fitted with emergency lights/equipment.

The Town currently has a Ford F-150 Lightning in its fleet that has performed extremely well in the Building Department. Through the Go Green Initiative, there has been much discussion about how an EV would operate in various environments, including the beach, and the Public Works Department is the perfect operation for an EV to prove its use case to other island organizations and stakeholders. This vehicle fits well within the Go Green Initiative goals to "convert an applicable portion of the vehicle fleet of operating entities (e.g., TOKI, KICA, KIGR, KIC) to EVs."

The procurement process for this 2024 Ford F-150 Lightning will be through a Sourcewell-approved state contract with National Auto Fleet Group. The quote has been generated for our specific vehicle, which will be built by the Ford Motor Company in the first quarter of 2024, with expected delivery to the Municipal Complex in the second or third quarter of 2024, and it will be put into operation immediately.

Staff recommends the purchase of One (1) New/Unused 2024 Ford F-150 Lightning XLT 4WD Super Crew.

The purchase of this vehicle has already been budgeted and approved in this fiscal year's budget. The funds of \$58,940.00 will come from the General Fund.

Council Member Belt made a motion to approve the purchase of a Ford Lightning Truck. Mayor Pro Tem Heidingsfelder seconded the motion.

Council Member Belt asked if the Town must go through the Sourcewell-approved State contract with the National Auto Fleet group. Mr. Nardelli stated that it is not a requirement, but the Town has previously purchased a vehicle through them, which seemed to streamline the process. Dealing with dealerships, especially with manufacturing issues, has been quite difficult, so they were found to be a great alternative.

Council Member discussion included who would service the vehicle, items being looked at as part of the proving test case, and the recommendation that drivers be thoroughly trained on the vehicle and precautions to minimize corrosion and extend the life of the truck.

Following the discussion, the motion was unanimously approved.

- E. To Consider Approval of ***Ordinance 2023-24*** - An Ordinance to Amend Article 4, Finance and Taxation, Chapter 3, Municipal Business Licenses to Update the Class Schedule as Required by Act 176 of 2020 – ***First Reading***

Council Member Berner made a motion to approve the first reading of Ordinance 2023-24. Mayor Pro Tem Heidingsfelder seconded the motion.

Ms. Szubert stated that being requested is approval to amend the Town's business license ordinance to reflect the 2024 changes in the class schedules. Every two years, the IRS reviews how profitable businesses are and then places them in certain schedules, with "A" being the least profitable and eight being the most profitable, and per state law, those changes must be made. She noted that there have been no rate changes, but there are changes from one class to another for certain businesses.

Council Member discussion included who decides on the classifications; the ordinance amendment conforms to the changes in the state law, and the impact of the changes on the budget forecast. Also discussed was that the IRS sets the classifications, but the Town has the ability to adjust the classification rates.

Following the discussion, the motion was unanimously approved.

- F. To Consider Approval of ***Resolution 2023-06*** - A Resolution for the Adoption of the Amended 2023-2024 Charleston Regional Hazard Mitigation and Program for Public Information Plan

Ms. Tillerson stated that Charleston County requires all municipalities to essentially adopt this resolution that was provided to us by the County regarding the adoption of the Charleston County Regional Hazard Mitigation Plan.

Council Member Berner made a motion to approve Resolution 2023-06 – to adopt the Amended 2023-2024 Charleston Regional Hazard Mitigation and Program for Public Information Plan. Mayor Pro Tem Heidingsfelder seconded the motion.

Council Member Berner stated that the Charleston County Hazard Mitigation Plan is a large, extensive, 873-page document. It provides a systemic way to analyze the impact of hazards on the environment, how to deal with them, and possible alternatives if you have a hazardous environment. It is a very good document, and there is no reason not to approve it.

Ms. Tillerson added that the Town has been part of this since 1999 and has adopted the amendment thereafter to remain part of the Community Rating System. She noted that the last adoption was in 2019.

Council Members engaged in an in-depth discussion of the Hazzard Mitigation Plan draft by the County, whether the plan is consistent or if there are any inconsistencies with the Town's Marsh Management Plan or Beach Management Plan, and any obligation or benefit to the Town by adopting the plan. Ms. Tillerson noted that Charleston County has requested that the resolution adopting the plan be approved by the end of the year.

Mayor Pro Tem Heidingsfelder suggested that this item be tabled and requested that staff briefly describe the Town's obligations, what has been fulfilled, and any benefits.

Mayor Pro Tem Heidingsfelder made a motion to table the approval of Resolution 2023-06 until January. Council Member Berner seconded the motion, and it was unanimously approved.

G. Kiawah Island Parkway Marsh Restoration/Access Project Update

Mr. Jordan stated that it's been a couple of months since he provided an update on the feasibility study regarding the Marsh Restoration and Public Access at the Kiawah River Bridge.

The tasks in the feasibility study are:

- The Initial Assessment phase had been 100% completed
- The Environmental Review phase is 70% complete
- The Conceptual Design phase is 70% complete
- The Permitting Feasibility is approximately 25% complete

Mr. Jordan reviewed the five objectives the full Marsh Management Committee wanted to accomplish through the feasibility study, including the two major focuses: restoring the marsh health and preventing future damage to the marsh.

1. Restoration
2. Conservation
3. Public Access
4. Education
5. Community Showcase

Mr. Jordan explained that for the first focus, restoring the marsh health, the committee looked at restoring a section of salt marsh through a combination of spartina plantings as well as keeping people off of the area to allow the marsh to recover and then the installation of a living shoreline along the river itself where it is experiencing some pretty significant erosion.

Mr. Jordan reviewed the results of a survey on the usage of the area, which received close to 1600 respondents.

- ❖ The area gets considerable use by all parties (41% have visited the site)
- ❖ Most come by car, but 44% walk or bike
- ❖ Birding/Nature Viewing is the primary activity (61%)
- ❖ 21% of owners come to crab/fish
- ❖ 18% of off-islanders come to crab/fish

Mr. Jordan stated that for the second focus, and to prevent future damage to the marsh, the committee prepared three concepts. Providing conceptual drawings, he supplied a description of each of the concepts.

Concept 1 – the committee selected Concept 1 as their preferred alternative

- Meets all objectives
- Very minimal disturbance to the marsh
- Provides easy access and maintains all current uses
- Eligible for additional Greenbelt Funds

- A short wooden walkway with two access points to the parking area running parallel to the Parkway to get to the deep water right next to the bridge and having two little bump-outs or observation decks. All of this work would stay within the town's property boundaries

Concept 2 –

- Does not meet all objectives
- Eliminates fishing/crabbing access and would likely result in individuals walking through the marsh to gain access
- Does not allow users to easily view the living Shoreline project
- Less opportunity to educate the public
- Slightly less marsh disturbance
 - Cutting the walkway portion in half

Concept 3 –

- Does not meet all objectives
- Eliminates all public access
- Violates Greenbelt agreement
- Individuals will likely still walk through the marsh to fish/crab
- Does not provide for education/interpretive signage
- No direct marsh disturbance

Mr. Jordan reviewed the Next Steps:

- ❖ Refine conceptual plans based on Marsh Committee comments
 - ❖ Move one viewing platform between the access points or closer to the access points.
 - ❖ Investigate putting a small viewing area on the west side of the Parkway along the bike path. Ideally, this might be a small bump out that doesn't get into the critical area. The idea was that individuals who walk/bike would have an area to pull off and birdwatch, watch the sunset, etc., without being on the bike path or crossing the Parkway.
 - ❖ Add benches to all three viewing platforms.
- ❖ Meet with Regulatory Agencies for a preliminary review of both projects in December
- ❖ The full Marsh Committee will meet on December 8
- ❖ Subcommittee will meet again on December 21
 - ❖ Develop a plan for public engagement to begin in January
 - ❖ Further refine conceptual plans based on agency feedback

Council Member Berner indicated that on a trip to the river, he noted that groups of people were under the bridge. He explained bridges have abutments protected with gabions, which are wire baskets filled with large rip wrap or stone to protect the abutment from washing away. Walking on the gabions will cause them to break and expose the bridge to damage. He stated that stopping people from walking on the gabions to protect them has to be added to Mr. Jordan's list as something to be addressed.

Mr. Jordan stated that the committee hopes that if you provide people who want to recreate here with a super easy way, a nice walkway, benches, railings, and interpretive signage, and then further block off other places where people could get to the marsh or the gabion wall or under the bridge with vegetation that a lot of that is going to go away. It is a lot easier to walk down a wooden walkway to get to the bridge to recreate than crawling down to a gabion wall and sitting on rocks.

Mayor Pro Tem Heidingsfelder expressed his concern that people will still walk on the marsh without incorporating some barriers along the parking area and out from the bridge on both sides. He stated that he would like to send this back to the group, saying we need to find a better way not to allow or visually restrict people from entering this entire area.

Council Member Belt asked if there had been any enforcement of the "no fishing" restrictions along that area. He also expressed concern that individuals who are not satisfied fishing on the raised pier will continue to do what they have always done. He also noted that those who stay all day come by car, and the best solution may be to remove the parking area.

In response to Mayor Pro Tem Heidingsfelder's question on the Conservancy vote, Mr. Jordan stated that Mr. Bundrick, with the Conservancy, abstained from voting on the Living Shoreline and Concept 1,

stating that he needed to get board approval before he took a vote or position. All the other members present voted in favor of both.

H. Discussion of a Statement of the Town Council Related to the Proposed Health and Wellness Village on Betsy Kerrison Parkway

Mayor Labriola stated that prior Councils have had relatively little or not taken a position in other jurisdictions' matters and were quite adamant about it. He noted that in a relatively short period of time, we (the Council) had done two things: we took a position on the proposed golf program and somewhat took a position on the proposed expansion of the Bohicket Marina. We didn't tell our colleagues at Seabrook no, but we highly encouraged them to read the guidelines on the urban growth boundary lines. So here we are with the health and wellness village up the street, and what should we do? This is clearly a county project, and as mentioned earlier, the County Planning Commission staff has already taken a position on it, but it is going before the County Council, and we certainly know the County Council doesn't necessarily follow their planning staff's recommendation.

Mayor Labriola stated that officials are elected to represent the Town, so when we write letters, and I sign off on them, we're representing the Town, but in something like this in another jurisdiction, they have public comments so the public can go to their meetings they can speak out whether they're from the community that's affected or neighboring communities. We have to keep in mind that what we could do is talk about how five individuals feel, but do we go to the community? When we sign off on that letter, we are really saying the community of Kiawah supports it or doesn't support it. So it's a big deal, and what we will conclude after this discussion when we say, you know, as the Mayor, as Council Members of Kiawah, we support this project, or we don't support this project, how we want to do this.

Mayor Pro Tem Heidingsfelder began the discussion by giving some background on the location of the property of the proposed health and wellness village and noting that it was not a question of whether there is a need for additional health and wellness services for Kiawah, Seabrook, and Johns Islands. In light of the multiple facilities coming, there is clearly a demand, but also fulfillment of that demand. So it is not so much about whether this wellness and health Village is necessary or not; it's really about the size. It is a significant development plan, huge in size, huge in health, wellness, retail, and residential, so it's really more about the size of the project.

Mayor Pro Tem Heidingsfelder stated that two weeks ago when he proposed that we should get involved and voice our concerns about the size, not about the project, and that it was one of the things that he wanted to discuss today, the Mayor then asked that at least for the current Council, that he define the boundaries or framework within which we could move forward if we want to provide commentary to neighboring municipalities or the county. With the help of Council Member Berner and comments from Council Member Belt, he developed a framework that defines eight descriptive categories that would help determine if we should get involved or not. He reviewed and provided a description of each of the categories.

Mayor Labriola stated that prior to taking a position on the Putt-Putt project, the Town released a survey monkey survey to gauge how the community felt about the project. He noted that there was a very quick turnaround in a relatively short period of time, and there was an enormous number of responses from the residents, so it may also be something to consider.

Council Members discussed their views on taking a position on the Health and Wellness Village project or any issue that impacts the residents of Kiawah. Council Member Belt provided details of the Health and Wellness project, stating that he would be supportive of sending an appropriately tempered letter to Charleston County and also supportive of the general construct, which is something that would underpin why the action was taken. Council Member Berner stated that he was all for the framework and felt it would be a mistake if something were happening in our backyard and we didn't get involved.

Mayor Labriola stated that his point of caution was simply that all the descriptions of the scope and scale of the project are enormous, but people are supportive of it. There is a certain level of uncomfortableness with taking a position in terms of our interpretation of scope and scale when there are members of this community that think that they want more health care close by.

Council Member Berner stated that he would be voting that the Council should do something in the future to get involved. Doing a survey monkey is a great idea, and he felt a protocol should be adopted to get involved in projects outside Kiawah.

Mayor Pro Tem Heidingsfelder stated that he would like to put a motion forward to initiate a Survey Monkey as quickly as possible, and if the results are very convincing, the Council would move forward with a letter to Charleston County Council prior to the first reading on December 21st. Council Member Berner indicated that he supported it.

Mayor Labriola stated that he would not want to have the developer accuse the Council of forcing the issue but does agree that the Council has an obligation to make sure that every resident clearly understands what this project entails, so the list that was earlier discussed that includes the acreage, the number of parking spaces, and the environmental issues. He suggested putting a cover page at the front of the Survey Monkey exactly what this project entails because I don't think everybody understands that. This way, the developer and the County Council would know what we did, and they would know what the residents of Kiawah felt.

Council Member Belt pointed out that framing the survey will be critically important. If you say you favor more health services at that location or not, it will come out one way, and if you frame it a different way, you will get a different result.

The framework presented by Mayor Pro Tem Heidingsfelder would be pulled together as a resolution and put on the agenda for consideration at the next Town Council meeting.

X. Council Member Comments:

Mayor Pro Tem Heidingsfelder directed his question to Mr. Taylor. The Town released the ability for community members to provide feedback on a number of topics. He noted the almost 200-page document of feedback provided by community members in terms of the Development Agreement, Beachwalker Drive topics, and Comprehensive Plan topics was an interesting document and asked what happens with all these 197 pages of feedback from the community. Mr. Taylor stated that the document was included in the record for all the amendments approved last week. All of the comments received were provided to the Planning Commission. The ones that were nonrelevant to the ARDA (Amended and Restated Development Agreement) amendments can be retained and have them for when we dive into the backend of the Comprehensive Plan.

Council Member Berner wanted to emphasize that he was very happy to see what happened when Mr. Phillips came here and discussed the first resolution to the parking problem. He brought it up because that is an exact result of this Town Council getting involved with the Homeowner Associations as well as the Architects and the developer, and a direct result of everybody working together in a very friendly and professional manner.

Council Member Belt said there was a lot to digest from the beginning of this meeting for the entire community. Obviously, a reduction in density at Ocean Pines or in the Cape and Timbers Parcels is a positive outcome for the community. With information coming today, the Community, particularly Sparrow Pond, Duneside, Greens Lake, and Inlet Cove Communities, must be able to look at the information, absorb it, and then provide a reaction and feedback.

Council Member Belt stated that with regard to the comments made by Mr. Warren regarding the desire for a new development agreement, he told Mr. Warren that any request would need to go through the process and get a lot of community input as to what the benefits are for the developer what the benefits are for the community. Council Member Belt noted that development agreements have implications, one of which is that it is one of the rare instances in which a current Council can bind future Councils. Therefore, it will be a difficult burden to decide whether or not this Council should be burdening a future Council to carry it out.

Council Member Belt asked that everyone keep in mind that there have already been several meetings and discussions, but no formal process has begun. When a request for a new development agreement is submitted, the process will entail a review by the Planning Director and the Planning Commission, and then consideration by the Council for approval. He hoped that everyone would stay engaged throughout the process and that there would be a substantial amount of community input.

Mayor Labriola stated that having Mr. Warren and Mr. Philips share their intentions was nice. He emphasized that the process will begin when Mr. Warren files an application for a new development agreement with the Planning Staff. In the case of Mr. Philips, pursuing a planned development for Upper Beachwalker resides with the applicant; the Town is not involved with that. Mr. Phillips would have to file an application with the Planning Staff to begin the process.

XI. Citizens' Comments:

Dr. Solomon David – 3528 Shipwatch Road

Dr. David provided some background information on his purchase of the property on Shipwatch Road and that the previous owner used VACASA as their property management company. Not being familiar with other companies and keeping the reservations, he felt it would be easier to continue with their services. He continued by outlining the issues with VACASA, including failing to obtain a rental business license for the property, the ensuing violations, and the lack of response, which ultimately led to the license being revoked.

Dr. David stated that he could not attend the Town Council hearing due to his father's death, and the Council did not hear the issues he was having with VACASA during their consideration of the license revocation. In the evidence, he included the numerous emails sent to VACASA and the telephone calls trying to resolve the issue. He stressed that VACASA's mismanagement caused this situation, but it is the homeowner who has been punished for the management company's failures.

Mayor Pro Tem Heidingsfelder stated that he read the emails and felt Dr. David's frustration in dealing with an organization that was not responsive but was unable to find something that would give him the right to overrule Town ordinances, the staff recommendations, and the decisions made before even this case came to the council in the first appeal.

Dr. David pointed out that this was an unprecedented situation in the Town's history, and having him suffer for other people's inaction is unfair. Because of the unique nature of the situation, he came to the October meeting with the request to have the revocation reheard with the complete information instead of the partial information, which was acted upon previously and a revote.

Council Member Berner stated that not having all the information at the hearing was not the Council's fault. He understood Dr. David's predicament and favored opening up a discussion to reconsider the revocation.

Council Members discussed whether reconsidering the revocation would be allowed. Mr. Wilson stated that there was no procedure in the Town ordinance, but he was of the opinion that in the circumstances

dealing with business license revocations and appeals, if the majority of the Council wants to reopen the hearing and reconsider, he felt like it would be within their discretion to do that.

Council Member Belt stated after reviewing the emails, he was also empathetic to Dr. David's situation but less empathetic to him, saying that the fault was entirely that of VACASA. Ultimately, they are his agent, he is the property owner, and he has the ability to deal directly with the Town. It was incumbent on Dr. David to engage with the town directly in the failure of VACASA rather than wait until after this process.

Council Member Berner made a motion to reopen the hearing to potentially reconsider the Order issued to revoke the short-term rental license. Council Member Belt seconded the motion, and it was unanimously approved.

David DeStefano – 31 Burroughs Hall

Mr. DeStefano commented on the purchase of the Ford Lightning truck, discussing the decision by the Community Association not to purchase electric trucks because, during major storms, the inability to charge them and drive through flooding conditions.

Mayor Pro Tem Heidingsfelder stated that it was reconfirmed with the manufacturer that this vehicle could be driven through the water, it was not the intention to replace the entire fleet, and the generator providing electricity for the Municipal Center facility would also charge the two trucks to be fully operational.

Mr. DeStefano commented on the marsh restoration, noting that Kiawah residents have multiple places to crab fish and put in kayaks. Eliminating the access at the bridge would not affect the island but would resolve the safety issue of getting to the parking spaces.

Mr. DeStefano commented on the proposed health and wellness project, discussing the results of the County public hearing along with comments and the presentations made by the developer.

Perry Molinoff – 10 Blue Heron Pond Road

Mr. Malinoff stated that he was representing PreserveKiawah, commenting on the statement of the willingness to begin the transition process of the ARB to KICA as being a nice first step and that he was anxious to review the task force report on the ARB review. He thanked Mr. Taylor for pushing on the parking issues on Beachwalker Drive and awaited the analysis of whether 88 spaces are sufficient to make up for the parking shortfall. He also stated that the comment on Captain Sam's Spit did not change his view on the clarity of the language in the ARDA and awaited the response to the letter from KICA and PreserveKiawah sent earlier that morning.

Donna Wyndham – Kiawah Conservancy

Ms. Wyndham thanked Council Members for their good work, stating it was an excellent meeting, and a lot of things were accomplished today with good transparency.

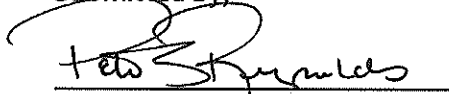
Ms. Wyndham pointed out that there is a lot of misunderstanding about the health and wellness village. She applauded the Council for going ahead and doing the survey to get the community's opinion. She asked that on the survey to ensure people understand that it is not affiliated with MUSC or Roper. She also asked that those writing comments for the public hearing be sent to public comments and not directly to members of the County Council.

Mayor Pro Tem Heidingsfelder stated that if anyone wants to submit a commentary to Charleston County Council about this project, please go to the County's website, and you will find a specific email address that should be used for commentary.


XII. Adjournment:

Council Member Belt made a motion to adjourn the meeting at 4:58 pm. Council Member Berner seconded the motion, and it was unanimously approved.

Submitted by,


Petra S. Reynolds, Town Clerk

Approved by,


John D. Labriola, Mayor

3-11-2024
Date