

SPECIAL CALL TOWN COUNCIL
Municipal Center Council Chambers
February 7, 2024, 11:00 am

Minutes

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

II. Roll Call:

Present at the Meeting: John D. Labriola, *Mayor*
Michael Heidingsfelder, *Mayor Pro Tem*
Russell Berner, *Council Member*
Brad Belt, *Council Member*
Madeleine Kaye, *Council Member*

Also Present: Stephanie Tillerson, *Town Administrator*
Joe Wilson, *Town Attorney*
Ross Appel, *Attorney*

III. Citizens' Comments (Agenda Items Only):

Donna Wyndham – Kiawah Conservancy

Ms. Wyndham stated that each Council Member received a copy of the letter the Conservancy delivered to the Mayor today and requested it to be made part of the public record. The Conservancy is encouraging the council to enforce the Amended and Restated Development Agreement (ARDA), which will give the Conservancy its due rights as a third party mentioned in the ARDA to have the highland put under a conservation easement. She stated that if the Council goes the route of rezoning, she asked that Mr. Bundrick, Senior Conservation Specialist, have the opportunity to speak to it.

Mr. Bundrick stated that he would be speaking regarding the discussion at today's meeting and the discussion at the March 5th meeting regarding the Planning Commission rezoning Captain Sam's Spit. Currently, Captain Sam's Spit is zoned R-1 residential, and the planned discussion is to rezone it to Parks and Recreation/Open Space. He reviewed the concerns with the permitted uses and the lot coverage allowed under that specific zoning, as well as the obligation under the ARDA to place it under a conservation easement to restrict the highlands to unbuildable areas. He believed that the best option is to put it under a Conservation District, which disallows the ability to build on the lot. However, a permanent restriction on the property would meet the needs of the obligation in the ARDA.

Mayor Labriola asked what the difference was between a Conservation District and a Conservation easement. Mr. Bundrick stated that the Council has the ability to rezone the lot to a Conservation District (KC), which is a zoning classification that protects and preserves areas, but there is the potential of being changed to a different permitted use in the future. A Conservation Easement, which is recorded with Charleston County, makes conservation permanent.

Council Members further discussed the rezoning options, noting that the preferred zoning was KC, but the only way to permanently protect the highlands of the Spit would be through a Conservation Easement and the position of the Conservancy.

Ms. Wyndham noted that Mr. Bundrick's baseline document report, which was also distributed, is very thorough and included information very pertinent to making these decisions. She stated that

this is the most significant and sensitive property, possibly in South Carolina, and the Council has the opportunity to preserve it.

Council Member Belt asked the Conservancy letter and full easement report be entered into the record.

Council Member Berner made a motion to go into Executive Session to Discuss Section 16(f) of the ARDA (2013 Amended and Restated Development Agreement) and Captain Sam's Spit and to Discuss New Lawsuits Regarding Rezoning. Mayor Pro Tem Heidingsfelder seconded the motion, and it was unanimously approved.

IV. Executive Session:

- A.** Executive Session Pursuant to South Carolina Code Section 30-4-70(a)(2) to Discuss Section 16(f) of the ARDA (2013 Amended and Restated Development Agreement) and Captain Sam's Spit and to Discuss New Lawsuits Regarding Rezoning.

Council Member Belt made a motion to come out of the Executive Session. Council Member Berner seconded the motion, and it was unanimously approved.

Mayor Labriola thanked the staff and Board of the Kiawah Conservancy for the well-prepared document they presented. He stated that during the Executive Session, no decisions were made, and no actions were taken.

V. New Business:

- A.** Town Council may Consider the Approval of an Action on either Executive Session Item.

Mayor Labriola stated that no action would be taken on either Executive Session Item.

VI. Council Member Comments:

None

VII. Citizens' Comments:

None

VIII. Adjournment:

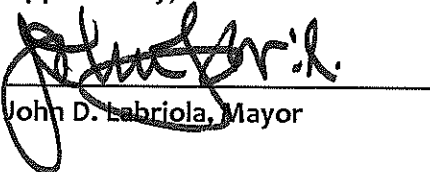
Council Member Berner made a motion to adjourn the meeting at 1:18 pm. Council Member Kaye seconded the motion, and it was unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor

3-11-2024

Date