

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 MEETING

Municipal Center Council Chambers

February 7, 2023; 2:00 pm

### AGENDA

- I. **Call to Order:**
- II. **Pledge of Allegiance**
- III. **Roll Call:**
- IV. **Approval of Minutes:**
  - A. Minutes of the Special Call Town Council Meeting of December 21, 2022 [Tab 1]
  - B. Minutes of the Town Council Meeting of January 10, 2023 [Tab 2]
- V. **Updates:**
  - A. Mayor
  - B. Council Members
  - C. Administrator
- VI. **Citizens' Comments (Agenda Items Only):**
- VII. **Old Business:**
  - A. To Consider Approval of **Ordinance 2023 – 01** An Ordinance of The Town Council of the Town of Kiawah Island – Marsh Management Plan – **Second and Final Reading** [Tab 3]
- VIII. **New Business:**
  - A. To Consider Approval of the Off-Duty Deputy Contract with the Charleston County Sheriff's Office [Tab 4]
  - B. To Consider Approval of the Code Enforcement Proposal from Barrier Island Ocean Rescue [Tab 5]
  - C. 2023 Committee Appointments
    - Board of Zoning Appeals [Tab 6]
    - Construction Board of Appeals [Tab 7]
    - Environmental Committee [Tab 8]
    - Planning Commission [Tab 9]
- IX. **Council Member Comments:**
- X. **Citizens' Comments:**
- XI. **Adjournment:**



**TAB 1**

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# **TOWN COUNCIL**

**Agenda Item**

**TOWN COUNCIL  
SPECIAL CALL MEETING  
Kiawah Island Municipal Center  
Council Chambers  
December 21, 2022; 2:30 pm**

**Minutes**

**I. Call to Order:** *Mayor Labriola called the meeting to order at 2:30 pm.*

**II. Roll Call:**

**Present at Meeting:** John D. Labriola, Mayor  
John Moffitt, Councilmember  
Russell Berner, Councilmember  
Brad Belt, Councilmember

**Present Via Zoom:** Michael Heidingsfelder, Councilmember

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

***Councilmember Belt made a motion to amend the agenda to add Public Comments section before going into Executive Session. Councilmember Heidingsfelder seconded the motion.***

Councilmember Belt noted that a Public Comment section is required by Town Ordinance for a standard Town Council meeting but not required for a special call meeting. He suggested that Council consider adding one since matters discussed at a special call meeting may be as subsequent as at a regular meeting.

Councilmember Moffitt stated there are two public comment periods on a Town Council agenda. The first is designated for agenda items only, and it would be difficult to assume that anyone will comment on this item without knowing what will be discussed. Following the Executive Session, there would be a subsequent public comment session. This was a special meeting to address a specific issue, not an open discussion about a topic. Because of the specific nature of the executive Session, it was his point of view that a public comment period was unnecessary.

***Following the discussion, Mayor Labriola called for a vote on the motion to include the Citizens' Comments item on the agenda. The motion failed with a 3 to 2 vote. Councilmember Moffitt, Councilmember Berner, and Mayor Labriola voted "No."***

***Councilmember Moffitt made a motion to move into Executive Session to Receive Legal Advice Pursuant to S.C. Code Section 30-4-70(a)(2) Concerning Development Agreements. Councilmember Berner seconded the motion.***

Councilmember Belt engaged in an in-depth discussion of the pending motion and the post-executive Session. He stated there are limited instances in which close meetings are permitted under state law. While some topics are appropriate to discuss in Executive Session, they are never required, so it is Council's choice to go into an executive session.

On the specificity of the announcement, he indicated there was only a very general reference to the discussion concerning development agreements. He felt it was important that when going into

the Executive Session, the community better understood what would be discussed and encouraged more specificity when announcing the vote.

While not sure that the discussion meets the standard for going into the Executive Session, he would support going into an Executive Session in this particular matter but felt it would be incumbent that once the advice of Counsel had been received, the Council shares with the community what if anything, is planned to do based upon that advice.

Councilmember Berner indicated that not knowing the discussion, he would vote to move into executive Session.

Councilmember Moffitt agreed that a better job should be done on sharing information with the community but felt the decision on what is shared should be made after the executive Session.

Councilmember Heidingsfelder stated that he would agree to go into Executive Session based on what he had read, but would also very much appreciate if the community could be provided some insights about what was discussed and what the next actions would be.

***Following the discussion, Mayor Labriola called for a vote on the motion to go into executive Session. The motion was unanimously approved.***

### **III. Executive Session:**

#### **A. Executive Session to Receive Legal Advice Pursuant to S.C. Code Section 30-4-70(a)(2) Concerning Development Agreements**

***Councilmember Moffitt made a motion to return to the Regular Session. Councilmember Berner seconded the motion, and it was unanimously approved.***

Mayor Labriola stated that during the executive Session, no actions were taken, and no decisions were made. He stated that the discussion was productive, lengthy, and constructive, and the community should be encouraged by the new Council.

Councilmember Belt added that the advice received from Counsel was regarding a wide range of issues related to the Development Agreement with Kiawah Resort Associates that warrant further exploration.

### **IV. Adjournment:**

***Councilmember Moffitt made a motion to adjourn the meeting at 2:50 pm. Councilmember Belt seconded the motion, and it was unanimously passed.***

Submitted by,

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Petra S. Reynolds, Town Clerk

Approved by,

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John D. Labriola, Mayor

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Date



**TAB 2**

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# **TOWN COUNCIL**

## **Agenda Item**

**TOWN COUNCIL MEETING**  
**Municipal Center Council Chambers**  
**January 10, 2023; 2:00 pm**

**AGENDA**

**I. Call to Order:** *Mayor Labriola called the meeting to order at 2:00 pm.*

**II. Pledge of Allegiance**

**III. Roll Call:**

**Present at Meeting:** John D. Labriola, Mayor  
John Moffitt, Councilmember  
Russell Berner, Councilmember  
Michael Heidingsfelder, Councilmember

**Present Via Zoom:** Brad Belt, Councilmember

**Also Present:** Stephanie Tillerson, Town Administrator  
Joe Wilson, Town Attorney  
John Taylor, Jr., Planning Director  
Craig Harris, Public Safety Director  
Steve Jones, Federal Bureau of Investigation

**IV. Approval of Minutes:**

**A.** Minutes of the Town Council Meeting of November 1, 2022

*Councilmember Moffitt made a motion to approve the Town Council meeting minutes of November 1, 2022. Councilmember Heidingsfelder seconded the motion, and the motion was approved, with Councilmember Belt abstaining.*

**V. Updates:**

**A.** Mayor

Mayor Labriola read a letter from Mr. Corrada, Riverstone Properties, providing an update on the Andell West project. (letter attached as part of the minutes) Mr. Corrada is scheduled to come to Kiawah at the end of January or the first part of February, providing an opportunity to review the project plans.

Mayor Labriola reviewed the assignment for the new Council:

- Councilmember Heidingsfelder –
  - Audit Committee Chairman
  - Liaison to the Planning Commission
  - Liaison to the Environmental Committee
  - Liaison to the Kiawah Conservancy Liaison
- Councilmember Berner
  - Liaison to the Public Safety Liaison
  - Liaison to the Board of Zoning Appeals Liaison
  - Liaison to the Johns Island Task Force Liaison
- Councilmember Belt
  - Liaison to the Arts and Cultural Events Council
  - Liaison to the Arts Council Board

- Liaison to the Charleston Areas Convention Bureau
- Liaison to the Johns Island Task Force
- Councilmember Moffitt
  - Ways and Means Committee Chairman
  - State Accommodations Tax Advisory Committee Chairman
  - Liaison to the BCD Council of Governments

## **B. Council Members**

As a new council member, Councilmember Belt expressed his intent to engage with community members and stakeholders and planned to hold regular Town Hall meetings to obtain the community's views. He asked that any questions, comments, or concerns be sent to his Town email address.

Councilmember Belt reviewed issues he felt required attention in the coming year; Development on the island and increasingly off the island, the relationship with the Community Association and Charleston County, and the Town taking a leadership role on local and regional issues and engaging with other stakeholder interests.

Councilmember Belt commented on the Andell West project. He felt the plan for the project was in a good place and commended the Riverstone Properties team, the Cassique HOA, and Preserve Kiawah for their roles in community engagement.

Councilmember Belt reviewed pending element and governmental issues of;

- Pending final development proposals for island development
- Continuing concerns with issues in the Development Agreement with Kiawah Partners
- Continuing concerns with the ARB (Architectural Review Board)

Councilmember Berner reported that at the next Board of Zoning Appeals meeting at the end of the month, the Board members would be considering a variance request for the significant expansion of the dock at Mingo Point. He noted that the expansion would extend into the river and encouraged residents to get involved in reviewing the facts of the request.

Councilmember Berner stated that he would be working with the Public Safety Committee on a blind spot he noted at the roundabout at Freshfields that needs to be addressed. The Committee would also be working on the design of the exit from the island at the Main Gate, which included addressing his concerns about construction worker safety.

Councilmember Heidingsfelder added an additional comment to the Andell West project by stating that he was pleased that the Town or the Mayor was involved in a discussion with Riverstone Properties. He indicated that he had also communicated with Riverstone and called on Edens, owner of Freshfields, to find a resolution to the final topic of the connection points between the two properties. He also noted that the MUSC center project is in a similar position with an adjacent property owner and hoped this could be quickly resolved too.

Councilmember Heidingsfelder indicated that after studying the commentaries on the community concerns with the ARB, he felt the Town, in collaboration with the Community Association, should take a more comprehensive look at the concerns in the coming weeks.

Councilmember Heidingsfelder commented on what he felt were inappropriate communications and asked that the community engage in more constructive and productive exchanges with Councilmembers.

### C. Administrator

Ms. Tillerson provided updates from:

- **Wildlife Department:**
  - The annual deer spotlight survey will take place later in the month. The results of the survey would determine if further action is needed.
- **Public Works Department:**
  - The compactor for the recently renovated Kestral Court facility is scheduled to be delivered later in the week, completing the project
  - On the Beachwalker-Parkway intersection project, the utility company has been mapping utility locations; once completed, the information will be submitted to Kimley-Horn to overlay with construction drawings for review by the workgroup.
- **Website**
  - The migration of information from the old website to the new one should be completed by the end of the month. The goal is to have the new website live by the next Council meeting in February.
- **Planning Department:**
  - KiawahNext – community engagement opportunity for the Town’s Comprehensive Plan Update process. A survey is to be released on January 16<sup>th</sup> on the KiawahNext website.

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

### **Larry Rakowski – 232 Sparrow Hawk**

Mr. Rakowski commented on the approval of the Marsh Management Plan (MMP), stating it was his understanding that at the termination of the Development Agreement, the developer is mandated to convey substantial marsh acreage to the Community Association. He noted a perceived reservation to take the land if granted at the Community Association’s Board meeting. In reviewing the MMP, there was a discussion of the acquisition of marshland, and he wondered if the Town had considered the issue.

### **Alex Fernandez – 418 Snowy Egret**

Mr. Fernandez stated that he attends Council meetings to learn the function of the Town Government and Council’s decision-making process, sometimes making constructive comments on the process. He expressed his frustration that some comments were not interpreted as intended and hoped that the new Council would interpret his comments as constructive rather than disruptive.

### **Paul Hennessy – 12 Blue Heron Pond Road**

Mr. Hennessy commented on the Council assignments by stating that the Town Council has done very well in liaising with various governmental entities regarding the Betsy Kerrison/Main Road Corridor project. He questioned where that fell under the new Council assignments.

Ms. Tillerson indicated that the project falls under the assignment of Councilmembers Belt, Berner, and Moffitt to the Johns Island Task Force and BCD Council of Governments.

## VII. Recognition

- B.** The Federal Bureau of Investigation to Recognize the Town’s Public Safety Department, Barrier Island Ocean Rescue, and the Kiawah Island Golf Resort Safety & Security Division.



Mr. Jones provided a short presentation on the Hostage Rescue Training (HRT) exercises conducted on Kiawah in early August. The training was conducted in conjunction with local law enforcement, fire, and other public safety entities. Mr. Jones noted the local resources used during the training were found to be some of the best. Mr. Edgerton, Mr. Sosnowski, and others with Barrier Island Rescue were very professional and extremely competent in their skills, which added value to the training. He thanked Mr. Harris, the Town of Kiawah, and the Resort for allowing HRT to use its resources to conduct its training on Kiawah.

Mr. Jones provided HRT certificates of recognition to Mr. Harris and Mr. Sosnowski, Mr. Edgerton, Mr. Cheves, Mr. Doyle, and Mr. Butler with Barrier Island Ocean Rescue. He also noted the contributions made by Ms. Johnstone with the Resort.

**VIII. Old Business:**  
None

**IX. New Business:**

**A. To Consider Approval of *Ordinance 2023 – 01* An Ordinance of The Town Council of the Town of Kiawah Island – Marsh Management Plan – *Public Hearing and First Reading***

Mr. Taylor stated that the Marsh Management Plan (MMP) was presented to Council for consideration and approval. Planning Commission reviewed the draft of the MMP and voted to recommend approval at the December meeting.

Mr. Taylor provided a presentation following the process of resiliency planning that began with the 2017-2018 Flood Mitigation Sea Level Rise (FMSLR) Adaption Report developed by the Sea Level Rise subcommittee of the Environmental Committee. The report recommendations provided the Town and island entities with direction on what should be done regarding adaptive management.

The recommendations from the FMSLR Report included completing an Implementation of a Strategy Plan, Comprehensive Plan Amendments, and the development and adoption of a Marsh Management Plan. *The purpose of the Marsh Management Plan is to explore various methods of protection for the Island's marsh including management strategies for managing the interface between highlands and critical areas that are vital to a healthy salt marsh. It is critical that the community is prepared for potential risks to a significant natural resource.*

Biohabitats, along with Elko Coastal Consulting, was selected as the consultant team to work on the development of the Plan. In April 2022, they kicked off engagement with a charrette at Town Hall and a Marsh Tour. A survey was created to gauge concerns, and an interactive story map was created to pinpoint erosion hot spots. The survey identified the major concern about threats to Kiawah marshes from residents, property owners, and the community as *Property loss/marsh bank erosion*. Concerns were prioritized as follows:

- Property loss/marsh bank erosion
- Ability to sustain fisheries /wildlife/ecosystem
- Bulkheads impact on adjacent properties
- Marsh migration pathways, sea level rise
- Stormwater runoff/drainage (pollution)
- Unregulated public accesses

Mr. Taylor presented an overview of the *Salt Marsh Management Plan for Kiawah Island*, discussing and giving examples for each of the goals developed around the identified concerns:

- Engage - Educate the public, property owners, and decision-makers about undesirable marsh changes

- Monitor - Detect changes in wetland vegetation species composition and structure within the salt marsh over time
- Protect - Prevent or correct trajectories leading to impairments to the marsh by adopting marsh management regulations.
- Restore - Manage vulnerable areas and mitigate against future issues and undesirable changes
- Adapt - Revisit implementation strategy annually; revise Plan every five years

Mr. Taylor reviewed the criteria for approval of the adoption of the Marsh Management Plan and the IEEC (Inter Entity Executive Committee) comprised of island stakeholders charged with implementing the recommendations.

Mr. Taylor addressed the earlier comment stating that the MMP identified the Conservancy in the role of marsh acquisition due to the nature of their work and concerns over the Town's position as a property owner.

Councilmembers engaged in a discussion of the MMP, with Councilmember Belt commenting on the importance of the inclusion of the Low Country Land Trust and Coastal Carolina League as stakeholders on the IEEC and Councilmember Heidingsfelder commenting on the exceptional job done by the team in the development of a comprehensive and well-structured plan providing a framework to work on protecting the marsh.

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

#### **Andy Capelli – 160 Governor's Drive**

Mr. Capelli, a member of the Planning Commission, stated that he did not vote for the recommendation of the MMP. He agrees with what is included in the MMP and the recommendations, having worked on the plan since the beginning. The only objection in the draft of the MMP relates to the recommendation to form the IEEC. He felt if the IEEC did not function properly and effectively, the plan would not work.

Mr. Capelli recommended that prior to the second reading, the plan be amended to specifically address the recommendation in the context that the Town, under its auspices, would form and manage the committee to coordinate and implement the plan as it is developed.

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

***Councilmember Heidingsfelder made a motion to approve the first reading of Ordinance 2023 – 01, An Ordinance of The Town Council of the Town of Kiawah Island – Marsh Management Plan. Councilmember Belt seconded the motion.***

Councilmembers engage in an in-depth discussion of Mr. Capelli's recommendation, the intent of the IEEC, and the inclusion of additional language in the current draft of the MMP. It was agreed that staff would draft the additional language prior to the second reading.

***Councilmember Heidingsfelder amended his motion to approve the first reading of Ordinance 2023 – 01 with the condition that the additional language would be added for the second reading. Councilmember Berner seconded the motion, and it was unanimously approved.***

#### **B. To Consider Approval of the 2023 Meeting Schedule**

***Councilmember Heidingsfelder made a motion to approve the 2023 Meeting Schedule. Councilmember Berner seconded the motion, and it was unanimously approved.***

**C. Appointment of Mayor Tempore**

***Mayor Labriola made a motion to appoint Councilmember Moffitt as Mayor Pro Tempore. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.***

**D. Re-Appointment of Town Finance Director**

***Mayor Pro Tem Moffitt made a motion to re-appoint Ms. Szubert as Town Finance Director. Councilmember Belt seconded the motion, and it was unanimously approved.***

**E. Re-Appointment of Town Clerk**

***Councilmember Berner made a motion to re-appoint Ms. Reynolds as Town Clerk. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.***

**F. 2023 Committee Appointments**

- Arts & Cultural Events Council
- Audit Committee – New member Mr. Mark Reynolds
- Public Safety Committee
- SATAX Committee

***Councilmember Berner made a motion to re-appoint the members of the Arts and Cultural Events Council, appoint Mr. Reynolds and re-appoint the members of the Audit Committee, re-appoint the members of the Public Safety Committee, and re-appoint the member of the SATAX Committee. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.***

***Councilmember Berner made a motion to move into Executive Session Pursuant to Section 30-4-70 (a)(1) of the South Carolina Code to Conduct An Annual Review of the Town Attorney. Mayor Pro Tem Moffitt seconded the motion.***

Councilmember Belt did not object to the annual review of the Town Attorney but expressed concern that discussion is inappropriate or premature, given outstanding issues related to the validity of the contract entered into by the previous Council citing Ordinance 2-504, which empowers the duly elected Council to appoint the Town Attorney and issues related to the termination provision that was raised at the November 2022 Town Council.

Councilmember Belt also expressed concerns with the review process undertaken to draft the agreement. One concern was that labor counsel had not previously reviewed the agreement negotiated between staff and the current Town Attorney until the day of consideration by the Town on November 1<sup>st</sup> when approved. He also expressed concerns about the absence of standard provisions in consulting agreements and questions regarding several aspects of the agreement approved.

Councilmember Belt stated that the issues are unresolved and questioned if it was timely and appropriate to go into Executive Session now to discuss the performance review unless and until the issues are resolved.

Councilmember Heidingsfelder questioned if the agreement issue would be discussed in the Executive Session, after the Executive Session, or how members will proceed. The labor attorney

made recommendations after he reviewed the agreement and input from Councilmembers regarding the process, language, and absence of conditions that should have been part of the agreement.

Ms. Tillerson clarified that the Executive Session discussion would be just a discussion of performance, not the agreement. The labor attorney provided three opinions, including the option that the Council could re-appoint Mr. Wilson and renegotiate the agreement immediately or at the end of the year.

Councilmember Belt stated that the letter from the labor attorney was not an opinion of counsel but rather recommendations and did not address the issues posed. He also noted the letter that was characterized as governed by attorney/client privilege, and having conveyed the recommendation, does it not open up public discussion of all the issues Councilmembers have raised and have commented on? Ms. Tillerson responded that the decision was up to Council.

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

**X. Executive Session**

**A.** Executive Session Pursuant to Section 30-4-70 (a)(1) of the South Carolina Code to Conduct An Annual Review of the Town Attorney.

***Mayor Pro Tem Moffitt made a motion to return to the Regular Session. Councilmember Berner seconded the motion, and it was unanimously approved.***

Mayor Labriola stated there was a long discussion relative to the issues. In the Executive Session, no decisions were made, and no action was taken.

**XI. A. Re-Appointment of Town Attorney**

***Mayor Pro Tem Moffitt made a motion to re-appoint Mr. Wilson as Town Attorney. Councilmember Berner seconded the motion, and it was approved by a majority vote. Councilmember Belt abstained.***

**XII. Council Member:**

Councilmember Heidingsfelder thanked Ms. Reynolds for providing the materials for the meeting early.

**XIII. Citizens' Comments:**

**Larry Rakowski – 232 Sparrow Hawk**

Mr. Rakowski, a member of PreserveKiawah, wanted to reiterate the earlier comments by Councilmember Belt. The comment on the concerns from citizens and homeowners on Kiawah with regard to the ARB, he asked that the Town, in its leadership role, sponsor a public hearing on those issues.

Mr. Rakowski congratulated the new Councilmember on the election and hoped there would be a renewed commitment to transparency. He also congratulated Mr. Wilson on his re-appointment.

Mr. Rakowski asked about the status of the Lot 1 project and asked to hear more from the Town. He noted a fair degree of confusion in the community regarding where the project stands.

Mr. Rakowski spoke on the potential of a Performing Arts Facility on Kiawah. He was of the opinion, along with others, that the facility was not necessarily something the Town would be able to afford.

In his experience as a member of the Board of Directors and treasurer of a regional performing arts center. Functions are difficult to fund, even in a very culture rich area that can attract more people. Without governmental and private support, performing arts centers will struggle. In his opinion, this is not the right market for it, and cannot attract the right talent at prices that constituents are willing to pay.

Mayor Labriola clarified last year that the Council felt it was time to hire a consultant to conduct a feasibility study for a performing arts center, nothing more, and no prejudgment. He noted that the study conclusion may be as Mr. Rakowski described. Councilmember Belt felt the process of evaluating a facility should be thoughtful and deliberate. In his new role as the liaison to the Arts Council, has had the opportunity to obtain insight into the challenges faced by the Arts Council and have also looked at some models in which there has been success and failure in similar size communities. Councilmember Heidingsfelder added the request that Mr. Rakowski get involved with the study noting his expertise would be of value to the discussion.

Mayor Labriola pointed out the two venues for continued discussion and community engagement: the upcoming Council Planning Retreat and the activities relative to Comprehensive Plan Update.

**XIV. Adjournment:**

***Councilmember Berner made a motion to adjourn the meeting at 4:40 pm. Councilmember Heidingsfelder seconded the motion, and it was unanimously passed.***

**Submitted by,**

\_\_\_\_\_  
**Petra S. Reynolds, Town Clerk**

**Approved by,**

\_\_\_\_\_  
**John D. Labriola, Mayor**

\_\_\_\_\_  
**Date**



**TAB 3**

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# **TOWN COUNCIL**

## **Agenda Item**

# THE TOWN OF KIAWAH ISLAND

## ORDINANCE 2023-01

### AN ORDINANCE TO ADOPT THE TOWN OF KIAWAH ISLAND'S COMPREHENSIVE MARSH MANAGEMENT PLAN

**WHEREAS**, the Town of Kiawah Island now finds that, it is in the public interest to adopt a Comprehensive Marsh Management Plan for the Town of Kiawah Island to explore various methods of protection for the Island's marsh including management strategies for managing the interface between the highlands and critical area that is vital to a healthy salt marsh; and

**WHEREAS**, the Town of Kiawah Island recognizes this long-term issue and seeks to protect and preserve Kiawah's quality of life by initiating pathways forward relative to the salt marsh; and

**WHEREAS**, the Comprehensive Marsh Management Plan is envisioned to be a living document that should be revisited once every five years to assess the effectiveness of implemented recommendations and adapt as needed for improved management; and

**WHEREAS**, the findings and recommendations of the Comprehensive Marsh Management Plan were developed and influenced through community outreach and public engagement; and

**WHEREAS**, the Comprehensive Marsh Management Plan formulates a framework for organizational collaboration among key Kiawah Island stakeholders for the future refinement, further development and implementation of programs and efforts to monitor, protect and restore Kiawah's marshes through establishing a marsh management workgroup;

**WHEREAS**, the Planning Commission held a meeting on December 7, 2022, at which time a presentation was made by staff and the hired consultant team, and an opportunity was given for the public to comment on the plan; and

**WHEREAS**, the Planning Commission, after consideration of the staff report, subsequently voted to recommend to Town Council that the proposed plan be approved; and

**WHEREAS**, Town Council held a Public Hearing on January 10, 2023, providing the public an opportunity to comment on the proposed plan.

**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 to adopt the Town of Kiawah Island's Comprehensive Marsh Management Plan to to consolidate existing marsh-related needs and recommendations across the Kiawah entities to guide future marsh management on the island.

#### **Section 2**      **Ordinance**

The Town of Kiawah Island's Comprehensive Marsh Management Plan is hereby adopted as follows:

See attached “**Exhibit A**” incorporated herein by reference which shall replace and hereafter be known as the Town of Kiawah Island’s Comprehensive Marsh Management Plan.

**Section 3**      **Marsh Management Workgroup**

The Town of Kiawah Island’s Comprehensive Marsh Management Plan is hereby adopted with the understanding that Town will form a workgroup to begin the exploring implementation phase of the Marsh Management Plan which centers collaboration and coordination.

**Section 4**      **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 7<sup>th</sup> DAY OF February 2023.**

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John Labriola, Mayor

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Petra S. Reynolds, Town Clerk

Public Hearing: January 10, 2023

First Reading Approval: January 10, 2023

Second Reading Approval: February 7, 2023



## **Comprehensive Marsh Management Plan Kiawah Island Inter-Entity Executive Committee**

***A workgroup is recommended prior to the formation of any formal committee by Town Council. The following language provides a purpose to long term Marsh Management Planning and is recommended should a standing committee be considered in the future by Town Council.***

### **I. Purpose**

The Kiawah Island Inter-Entity Executive Committee (KIEEC) shall guide the Kiawah community through the implementation of recommendations outlined within the Town of Kiawah Island’s Comprehensive Marsh Management Plan (CMMP). For effective marsh management, it is necessary to determine and coordinate marsh management and education responsibilities of each entity. Many of the recommendations within the CMMP cannot be implemented by the Town alone. They will require the support of most, if not, all Kiawah entities. The KIEEC is the framework for organizational collaboration between entities having influence over Kiawah’s marshes.

The KIEEC’s purpose shall be to cooperate on implementation plans and to coordinate marsh management decisions for consistency in education, messaging and determining pathways forward for monitoring and adaptive management strategies for the health of Kiawah’s salt marshes.

### **II. Authority**

The Town of Kiawah Island shall authorize the structure of the KIEEC. The KIEEC as a committee has no expressed or implied power or authority for unilateral decisions of marsh management for Kiawah Island. Actions and decisions of implemented marsh management strategies shall be through engaged members of the KIEEC. Decisions impacting Kiawah’s salt marsh shall be vetted through the KIEEC as guided by the CMMP.

### **III. Membership**

The KIEEC shall consist of representation from Kiawah Island Marsh of K’s entities identified within the CMMP. The KIEEC shall also include up to five at large community members. Each of the entities shall be responsible for appointing a representative(s) to the KIEEC. The mayor and Town Council shall be responsible for appointing members of the community. Entities of the KIEEC shall annually reconfirm its representation to the KIEEC. The mayor and Town Council shall annually reconfirm community members of the KIEEC. The Town of Kiawah Island shall keep records of the membership of the KIEEC.

*Town of Kiawah Island*

- *TOKI Planning Commission*

- *TOKI Environmental Committee*

*Kiawah Island Community Association*

*Kiawah Island Conservancy*

*Kiawah Island Golf Resort*

*Kiawah Partners/ Kiawah Island Architectural Review Board/Kiawah Island Real Estate*

The KIIEEC may include others in advisory roles: peer communities, funding agencies, consultants, contractors, South Carolina Office of Resilience (SCOR), South Carolina Sea Grant Consortium, South Carolina Department of Health and Environmental Control (DHEC) or other state agencies, National Oceanic and Atmospheric Administration (NOAA), United States Army Corps of Engineers (USACE), Federal Emergency Management Agency (FEMA) and other federal actors, and Clemson Extension and educational or academic partners, or other local environmental and or non-profit organizations.

#### **IV. Responsibilities**

The KIIEEC should make recommendations to decision making bodies aligned with the CMMP to ensure entities are committing to the appropriate steps in marsh management into individual entities’ governance, documents, and internal plans.

The KIIEEC should receive and share information about each implementation action undertaken between member entities and the community. The KIIEEC will report its activities to Town Council and the various entities leadership at least on a quarterly basis.

The KIIEEC will coordinate implementation strategies using the adaptive management process.

The KIIEEC will review its responsibilities at least once every three years. The KIIEEC may recommend and approve minor changes to the structure of the KIIEEC to effectively fulfill the purpose of the KIIEEC. Town Council shall authorize substantial changes to the purpose structure or authority of the KIIEEC as determined by the Planning Manager.

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#### **V. Meetings**

The Towns Council liaison to the Planning Commission or Environmental Committee or designee as appointed by the mayor shall serve as the chair of the KIIEEC. The chair shall be responsible for coordinating KIIEEC meetings. The KIIEEC will meet at least quarterly and more often as needed. The KIIEEC shall keep a copy of the meeting minutes and forward a copy to each of the member entities. The KIIEEC may invite any director, officer, staff member, expert or other advisor who isn’t a member of the committee to attend.

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11.17.2022

Exhibit "A"



The Town of Kiawah Island

# Comprehensive Marsh Management Plan



November 2022

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## Acknowledgements

This document synthesizes input and work by several dedicated people and organizations who guided its development: the Town of Kiawah Island Town Council, Planning Commission, and staff; residents who attended meetings and hosted site tours; and the consultant team of Biohabitats and Elko Coastal Consulting. We also thank all participants in the August workshop for ending their time and perspectives.

# Introduction

Although the wealth of salt marsh in Kiawah has been considered in several recent assessment and planning processes, this is the first document to focus solely on the marsh and bring together various tools for its management. In April 2022, the Town of Kiawah (TOKI) Planning Department launched this Comprehensive Marsh Management Plan (CMMP) as an effort to consolidate existing marsh-related needs and recommendations across the Kiawah entities to guide future marsh management on the island.

This planning effort was not conceived as a new undertaking to collect or analyze data. Instead, it is a work of synthesis: bringing together management perspectives and tools based in science, community, policy, and restoration as they have been suggested in previous studies and plans for Kiawah, and pertinent models from comparable island and marsh-front

communities. Accordingly, this document summarizes key messages and highest priority recommendations but does not repeat the full details of the technical rationale for each strategy. Instead, it refers out to previous planning efforts or Appendices as appropriate.

This document recommends collaboration among entities, clearly delegating responsibilities, refining regulations, and guided education efforts to manage Kiawah's marshes as a community. A few actions can be implemented quickly; however, most will require more than one organization or sector and require refinement in a collaborative forum.

The CMMP is envisioned to be a living document that should be revisited once every five years to assess the effectiveness of implemented recommendations, and adapt as needed for improved management.



# Marsh Management Goals

## A FRAMEWORK FOR MARSH PROTECTION



Detect changes in wetland vegetation species composition and structure within the salt marsh over time



Prevent or correct trajectories leading to impairments to the marsh by adopting marsh management regulation



Educate the public, property owners, and decision-makers about undesirable marsh changes



Manage vulnerable areas and mitigate against future issues and undesirable changes

**Resilience** *n.* The capacity of a system or community to recover from unexpected impacts.





## Creating this Plan

The CMMP process was launched in April 2022 with a kick-off meeting of town staff, key stakeholders, and the consultant team to establish a collective understanding of habitat characteristics, recreational & homeowner access needs, town infrastructure & development plans, and impending impacts from sea-level rise. The team then toured the marshfront to speak to property owners and staff about concerns.

The consultants then reviewed previous work, undertook some original spatial analysis, and launched a series of 13 interviews or small group meetings with experts. The wider community was informed of the CMMP process, educated about marsh management challenges, consulted with during public meetings, and involved through surveys, direct interviews, and interactive online input opportunities, which included a survey and an interactive map where participants could label and identify areas of concern. During the summer of 2022, several engagement activities took place including the release of a project website, a town podcast, and an

online StoryMap. Community engagement culminated in a planning charette and community open house.

Community members, outside experts, and Kiawah staff and officials joined the consultant team on Thursday, July 21, for a planning workshop and community drop-in event that harnessed the talents and energies of many experts and stakeholders. Based on concepts introduced by the consultant team, which were informed by the prior input, participants refined the preliminary marsh management plan actions, recommendations, and educational strategies to directly inform the CMMP. The community drop-in event directly followed the charette during the afternoon, and allowed for the public to explore and provide feedback on preliminary marsh management concepts.

### Project Website

<http://elkocoastal.com/kiawah-cmmp>



# Connected by Water: Salt Marsh in the Low Country

The gradual shorelines of the lowcountry give rise to its long tides and broad swaths of salt marsh, the inundated coastal wetlands that rise along our protected shores. Dominated by smooth cordgrass (*Sporobolus alterniflorus*), these marshes today comprise over 4,500 acres on Kiawah Island. Their distribution, however, is not fixed; instead it is as dynamic as the shoreline itself. This is in part because marshes are the interface between land and sea, influenced by each. It is useful to understand the salt marsh through three lenses, each of which presents its own set of management opportunities.

## CONNECTED TO THE SEA

Salt marshes are one of the most productive ecosystems in the world. They provide essential food, refuge, and nursery habitats for more than 75% of fisheries species, including shrimp, blue crabs and many finfish. Just as fish that use the marsh as nursery travel out to the open water, so the ocean's status affects our marshes. Sea level rise and storm surge are existential threats to marsh along a fixed, hardened shoreline where upslope migration is impossible.

## AN EVER-CHANGING BOUNDARY

The edge of a salt marsh is its most prominent features to many. Tidal creeks meander, with deposits of silt and material on the insides of curves where water moves slowly, and marsh erosion on the outer edge of curves. Salt marshes provide important protection for shorelines from erosion by buffering wave action and trapping sediments.

## SHARED WATERSHEDS

Finally, we also consider Kiawah's marsh as a recipient of water that flows from the uplands - not only on the island, but on the adjoining mainland. Salt marshes reduce flooding by slowing and absorbing rainwater and protect water quality by filtering runoff and metabolizing excess nutrients (NOAA-NOS, 2017). The watershed affecting the marsh crosses multiple jurisdictions, and land-use, water quality, and zoning ordinances from each of them affect the long term prospects of the salt marsh that rings the island.

"Spring in the Lowcountry sounds like a flock of Bobolinks slinging their discordant songs around the tidal marsh"

-J. Drew Lanham



# Planning & Management Context

The primary goal of this planning effort is to bring together the multiple threads of marsh-related work that are underway or planned. Several recent or concurrent planning efforts have goals and strategies related to the marsh.

## KIAWAH CONSERVANCY MARSH VULNERABILITY STUDY & NATURE-BASED ALTERNATIVES (IN PRESS)

Beginning in January 2020, KICA, College of Charleston and the Lowcountry Hazards Center started the Marsh Vulnerability Project to map historic change in marsh vegetation, highlight current geologic features, and catalogue human infrastructure. The vulnerability project is one of a series of Marsh and Groundwater studies, which provide a complete picture of the water below and around the island. Together these efforts will provide our island with a comprehensive understanding of Kiawah's coastal environment, how it changes over time, and what actions island leaders should take to preserve their special island community.

## FLOOD MITIGATION AND SEA LEVEL RISE ADAPTATION (2018)

In the spring of 2017, the Town of Kiawah Island's Environmental Committee formed a subcommittee to proactively identify steps the community could take to address increased flooding frequency and adapt to future water level changes. One important finding for marshes is that the challenge facing our marshes is probably not from wave induced erosion, but rather from insufficient accreting sediment for vertical growth or from barriers

preventing inland migration. Thus, construction of new living shorelines may provide benefits only in limited locations along Kiawah. In other places, marsh will be unable to fill in behind them because of limited sediment.

## 2019 COMPREHENSIVE PLAN AMENDMENTS

The 2019 Amendments put forth an ambitious set of natural resource goals, including: "Formalize a marsh management plan that explores various methods of protection for the Island's marsh and manages the interface between highlands and critical area that is vital to a healthy salt marsh."

## KIAWAH ISLAND COMMUNITY ASSOCIATION RESILIENCE PLAN

KICA and other island entities are collaborating to prepare for the long-term impacts of climate change, including the increased frequency of storms and rising sea levels. In 2020 KICA established the Adaptive Management Plan Task force, with the endorsement of the town, to seek member input in the initial development of a plan that will allow Kiawah to adapt with changing environmental conditions. This plan will utilize critical data collected from the Town of Kiawah Island's new tide gauge at the Kiawah River Bridge. The gauge records water levels that will be analyzed to understand any changes over time.

# Management Concerns: Climate Change and Sea Level Rise

## SEA LEVEL RISE

All future management of Kiawah's marshes must be understood in light of climate change. Even if greenhouse gas emissions were eliminated today, continued warming and sea level rise would occur due to the current accumulation of emissions.

The sea level around Charleston rose by 11 inches from 1950 to 2016 (Figure 1), about 1 inch every 2 years within the last ten year period analyzed (2006-2016). Figure 2 shows the range of SLR possible given the effort to decarbonize the global economy, with low/intermediate/high projections for 2100 at 1.2 ft/3.5 ft/8 ft, respectively. Climate change is also changing rainfall patterns to favor more intense storm events, with more precipitation coming quickly, and an increased frequency and intensity of hurricanes.

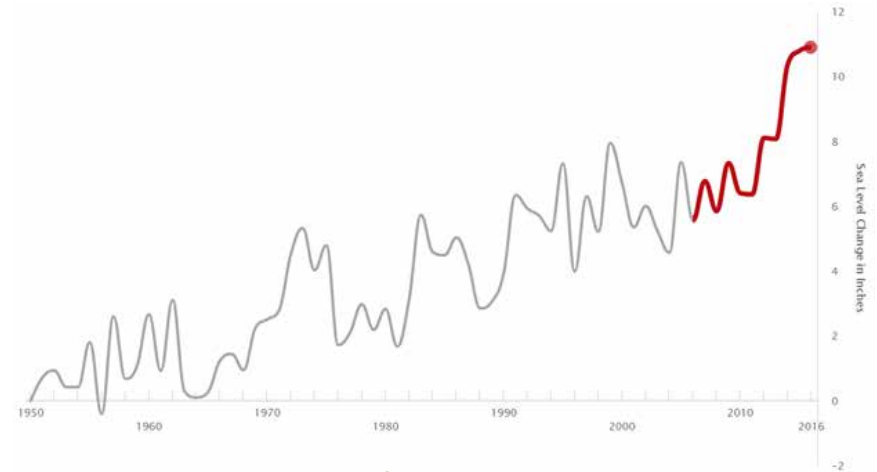


Figure 1 - Charleston SLR from 1950-2016

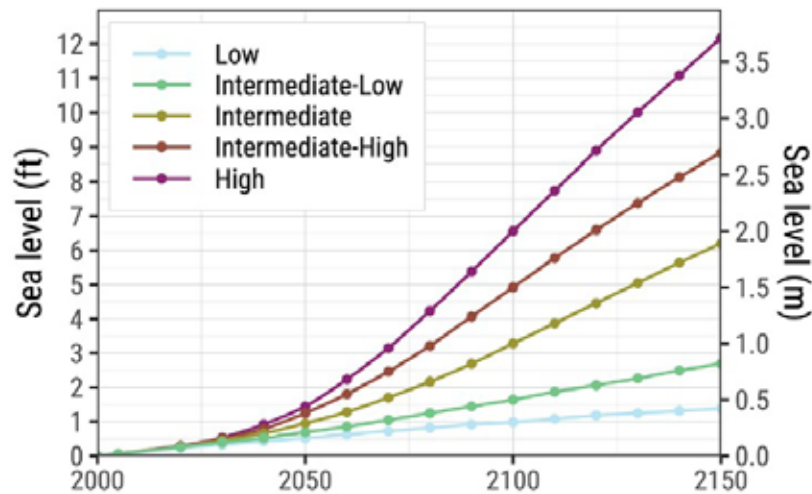


Figure 2 - Projected Charleston SLR from 2000-2150

| Scenario          | Year |      |      |
|-------------------|------|------|------|
|                   | 2050 | 2100 | 2150 |
| Low               | 0.5  | 1.0  | 1.4  |
| Intermediate-Low  | 0.7  | 1.6  | 2.7  |
| Intermediate      | 1.0  | 3.3  | 6.2  |
| Intermediate-High | 1.2  | 4.9  | 8.8  |
| High              | 1.4  | 6.6  | 12.2 |

Units in feet relative to year 2000

# Management Concerns: Public Input

Several high-profile concerns provided impetus for this planning effort, such as hotspots of shoreline erosion that are threatening infrastructure and the observed conversion of high marsh to open mud flats. For the purposes of this plan, we focused on two ways of understanding management concerns and threats to the salt marsh. The first was to seek community input on concerns and locations of management issues. The second was to synthesize the stressors that undermine ecological function from a data-driven perspective, whether or not they draw public attention, with analysis from primary literature, previous planning documents, and expert interviews.

Two years ago, the Kiawah Adaptive Management Committee conducted a survey, and 36% of the 1,643 respondents described themselves as “extremely concerned” about the salt marsh. Fifty-three respondents to the current CMMP community survey prioritized bank erosion and associated

property loss as their top concern, followed closely by the continued ability of the marsh to sustain fisheries, wildlife, and a diverse salt marsh ecosystem.

A formal threats analysis, with causal factors identified in chains is beyond the scope of this document, and some of the concerns overlap or exacerbate each other. They also vary by ultimate cause; some result from global trends beyond the control of local managers, and others are closely related to local land use decisions. In both cases, the management recommendations in this plan were selected and refined as direct responses to concerns expressed.

## BANK EROSION

Tidal creeks and the marshes around them are dynamic systems that move continually, depositing material (accreting) on the insides of curves, and eroding banks on the outside. Though there are some areas where water management and stormwater appears to be contributing to erosion, most of the hotspots of erosion and conflict in Kiawah are exactly where a geomorphologist would expect them to be, on the outside of tidal creek meanders. This is good news for the present, indicating that the changing climate is not yet causing widespread erosion. However, it is a source of pain and expense to homeowners, and sea level rise will start to make the problem more widespread, so the “Restore” section of this document offers recommendations for bank stabilization.

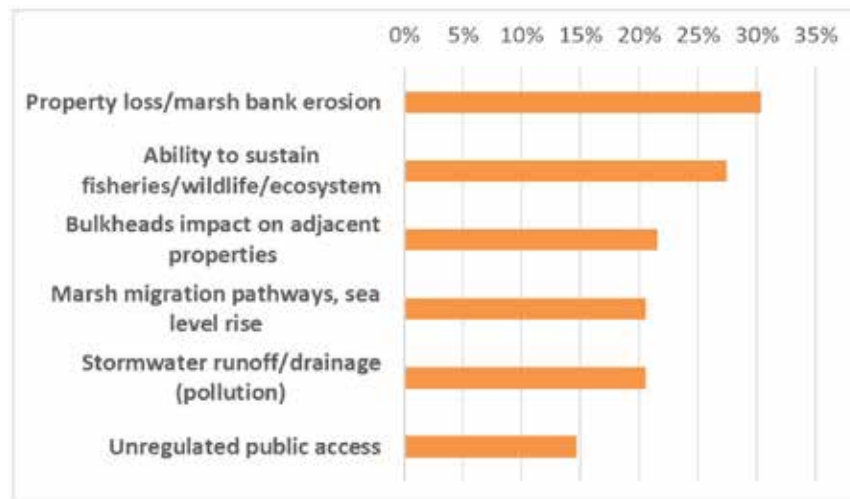


Figure 3- Prioritized marsh management concerns (n = 53).

# Additional Management Concerns

## TRADITIONAL BULKHEADS

Armoring structures such as bulkheads have traditionally been used for erosion control. Bulkheads are effective at “holding the line” along an eroding shoreline, often to the detriment of surrounding areas. However, bulkheads are not necessarily the best solution for flood management or for a green approach to marsh preservation. Because hard walls cannot absorb or dissipate wave energy, that energy rebounds and causes local turbulence. This can often kill vegetation, convert marsh to mud flats, or scour and deepen the nearshore. Neighbors who do not have bulkheads are particularly concerned about these issues, because their own erosion problems often become worse if bulkheads are constructed nearby.

## HABITAT QUALITY

Habitat quality depends on many factors, the most important of which for Kiawah are water quality and vegetation, understood as the plant community composition, distribution, and vigor.

### Water Quality

Marshes can be sensitive to the quantity and temperature of fresh water entering them, so runoff from streets and developed areas can compromise the marsh, though the nutrient loading of fertilizers is of less concern than it is in the uplands, since it is diluted by tidal fluctuations. Water management recommendations can preserve the current vigor of the marsh.

### Vegetation

In many ways, the vigor of marsh vegetation is an emergent property that responds to the freshwater balance, inundation, and erosion. The unvegetated to vegetated ratio (UVVR) is an early sign that marsh vegetation is drowning and converting to mudflats or open water. Where there is space to do so, the marsh might also migrate upland. Over time, as the existing marshes become submerged and higher elevation land begins to be more frequently saturated from the tidal cycle, wetland vegetation will migrate to their more preferred saturation tolerance.

## UNREGULATED PUBLIC ACCESS

Recreational users can trample vegetation, which results in local erosion that can become more severe during storm events.

## Identified Areas of Concern



### PUBLIC INPUT

Residents of Kiawah and other concerned stakeholders identified points of management concern in the marsh through an interactive online mapping

tool and during the workshop. The management recommendations in this plan were selected and refined as direct responses to concerns expressed.



## Key Indicators: UVVR & Shoreline Change

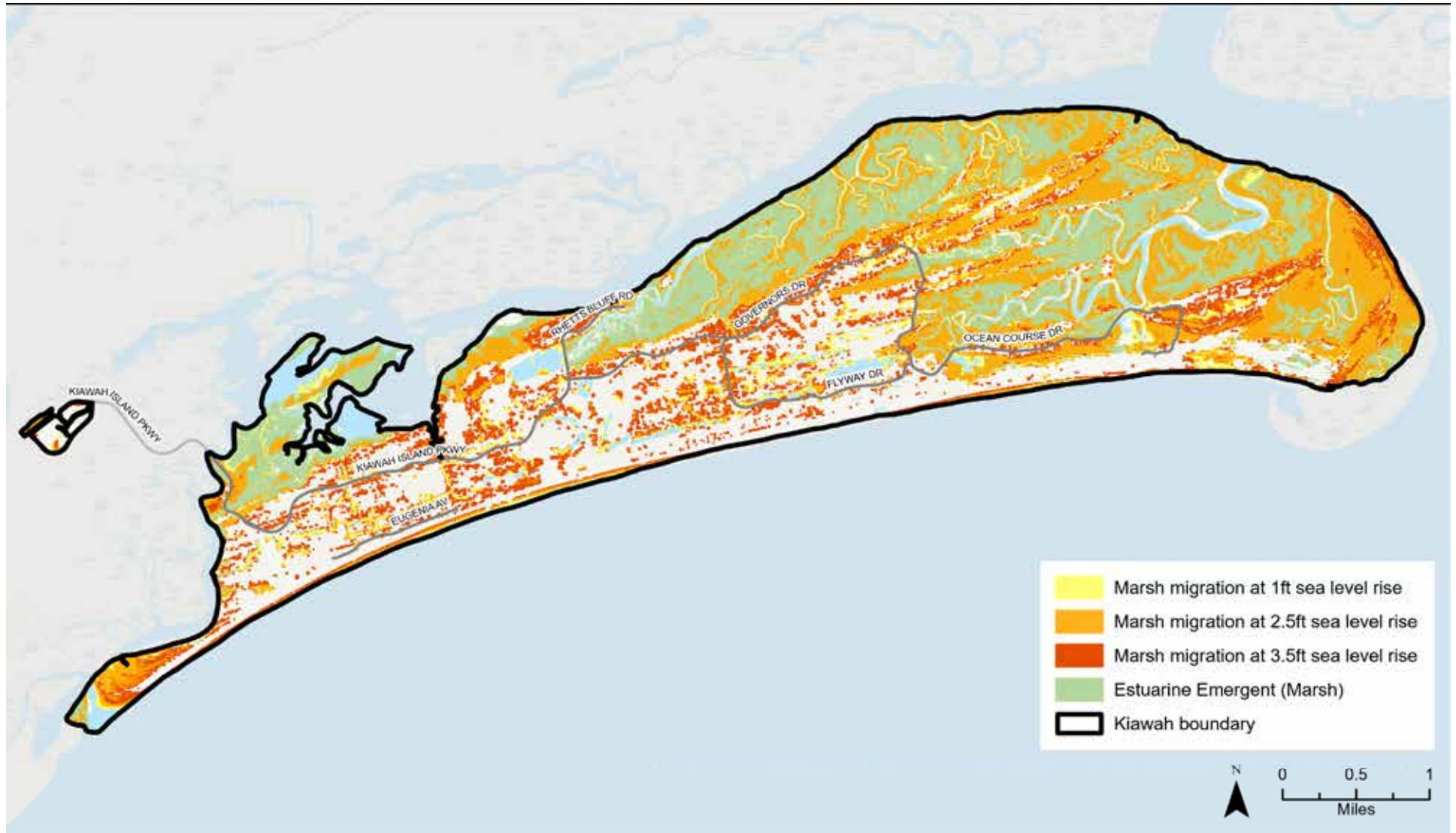


### UVVR & SHORELINE EROSION

This figure shows two important indicators that are recommended elements of the monitoring plan, the unvegetated to vegetated ration (UVVR), and current patterns of erosion and accretion. UVVR can be informative about the current

trajectory of a marsh. A stable tidal marsh, with intact marsh plains and little deterioration tends to a UVVR of about 0.1. Higher values indicate degradation, usually a result of open water conversion. The other dataset on this figure shows eroding areas in red and newly formed land in yellow.

## Status of the Marsh: Sea Level Rise



### MARSH MIGRATION

This map shows the predicted future distribution of marsh. If the current salt marsh is unconstrained by development and able to migrate, the plants will move upslope to areas that are currently dry uplands as sea levels rise. The

orange indicates the future expanse of salt marsh under 2.5 feet of sea level rise. Tidal marshes are highly dynamic communities and have the capacity to adapt to SLR, by the accretion of sediments through tidal exchange. Water level is an indicator and recommended element of the monitoring plan.

# Recommendations

The remainder of this document is about solutions: how to track the trajectory of the marsh; how to regulate the structures that control it; how to engage people in responsible stewardship; and how to restore systems and functions where they are broken. These include both synchronous and iterative activities that are interdependent.

Kiawah Island has a unique multi-entity governance, comprised of several independent organizations that support the community. Comprehensive protection and implementation of these recommendations will require better coordination and streamlining of the many entities that currently touch the marsh (see facing page).

## Overarching: Organizational Framework

"I think about clapper rails applauding at the edge of a salt marsh stage"

-J. Drew Lanham



# Overarching: Organizational Framework

## MARSH OF Ks

### Town of Kiawah Island

Incorporated in 1988, the Town is the municipal government of the Island.

- building permits
- code enforcement
- planning & zoning services
- promoting tourism
- beach management & protection
- wildlife management & protection
- community outreach



### KICA

(Kiawah Island Community Association)

Incorporated in 1976, KICA is a non-profit corporation formed to maintain common facilities and serve as a vehicle for the administration and enforcement of covenants and restrictions.

- owns, maintains + improves common properties
- member education & outreach
- long-term planning
- landscaping of common properties
- maintains roads behind main gate



### Kiawah Island Golf Resort

Kiawah Island Golf Resort is a world-class hotel and resort. The Resort caters to the guests that visit the Island.

- Night Heron Park & Kamp Kiawah (wildlife education/nature tours)
- Mingo Point (oyster roast and kayak launch), boat excursions and fishing charters
- Manages the five golf courses.



### Kiawah Conservancy

The Kiawah Conservancy is a chartered non-profit, section 501(c)(3), grassroots organization. The Conservancy provides the vision, leadership, and resources necessary to preserve and enhance Kiawah Island's unique balance of nature and development.

- preservation and stewardship of critical wildlife habitats
- programs to encourage and assist landowners in the protection of the unique natural environment of Kiawah.
- an accredited member of the Land Trust Alliance
- education



### Kiawah Partners

Since 1988, Kiawah Partners (KP) has been the master planner and community developer committed to using an environmentally sensitive Master Plan as a compass, preserving and protecting the natural beauty of the Island's 10,000 acres.

- residential community design, master planning
- development agreements and entitlements
- real estate brokerage operations
- private club design, construction, management
- architectural controls



### Kiawah Island Architectural Review Board

The goal of the ARB is to help property owners harmonize the built world of architecture within its natural setting. Using a determined set of standards and guidelines for community areas and residences in accordance with the comprehensive Master Plan, the Board enforces standards applicable to all construction and landscaping.



### Kiawah Island Real Estate

### Kiawah Island Club

# Overarching Recommendation: Organizational Framework

## Kiawah Island Inter-Entity Executive Committee (KIIEEC)

In the past, umbrella topics that touch several of Kiawah entities' missions have been addressed through formation of cross-entity task forces. This approach recognizes that the entities have the expertise and networks to develop solutions that will serve all stakeholders. For effective marsh management, it is necessary to determine and coordinate marsh management and education responsibilities of each entity. Many of the following recommendations cannot be implemented by the Town alone. They will require the support of most, if not, all Kiawah entities. Therefore, an overarching recommendation is a framework for organizational collaboration between entities (e.g., Kiawah Island Inter-Entity Executive Committee (KIIEEC)). The KIIEEC should receive and share information about each implementation action undertaken.

KIIEEC should include each of the actors in the Marsh of Ks in roles of responsibility that agree with their purview. Additional members could include others in advisory roles: peer communities, funding agencies, consultants, contractors, SCOR, SC Sea Grant, SC DHEC or other state agencies, NOAA, FEMA and other federal actors, and Clemson Extension and educational or academic partners.

KIIEEC should coordinate marsh management decisions for consistency in education/messaging and determining pathways forward for monitoring and adaptive management. Each entity should formally join the KIIEEC through a resolution or similar action to formalize the committee. Members should commit to incorporating the appropriate steps in marsh management into their own governance and documents as well as seek opportunities to weave these recommendations into their internal plans. As a body, KIIEEC should consider each of this plan's recommendations and develop implementation plans by 2024.

The governance structure of KIIEEC needs to be formalized by the entities themselves. Although the group should engage in open conversation to express concerns, build agreement, and get buy-in, it needs a clear statement of a decision-making protocol that does not rely solely on consensus.

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# Recommendation I: Monitor

Marshes degrade in ways that may not be readily visible, so understanding the current status and likely trajectory of Kiawah’s marsh requires documenting the key indicators of its health. Although a complete monitoring protocol with procedures, timelines, locations and responsible parties is beyond the scope of a Marsh Management Plan, creating and implementing such a monitoring effort is necessary to advance the science-based management recommendations to maintain the important benefits of Kiawah’s marsh. Such monitoring is also requisite for the process of adaptive management, in which management strategies and techniques are altered in light of data collection that records the success and opportunities for improvement for any management actions that are taken.

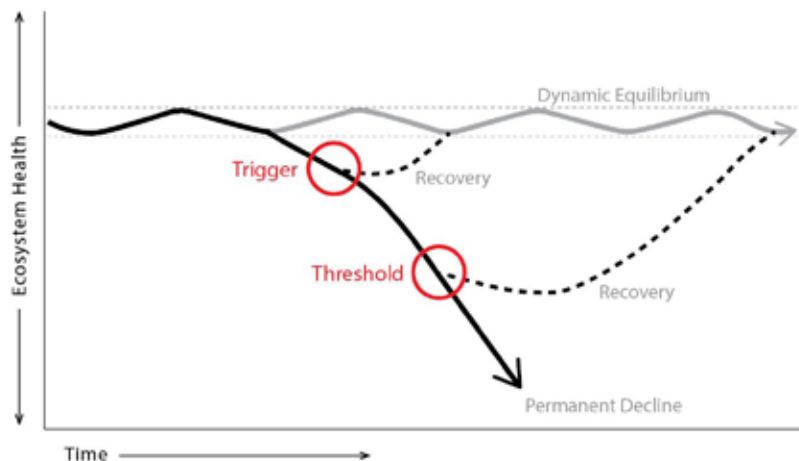
The recommended monitoring framework for Kiawah’s marshes is based on the common vocabulary and approach developed by the Kiawah Island Flood Mitigation and Sea Level Rise Subcommittee. It tracks the state of the art in ecosystem management based on thresholds.

Ecologists have long recognized that disrupted ecosystems do not respond to stress in a steady, predictable way. Instead, the interwoven systems of soils, water, plants, invertebrates and animals can reach sudden turning points and crash unexpectedly. Such “thresholds” are the point at which small changes can cause rapid degradation and shift the system to a different state (Figure 4).

Recent years have seen concerted efforts to identify indicators that a system is on a path towards such thresholds and allow managers to intervene in a timely way. KICA, in collaboration with experts and under the leadership of Lucas Hernandez, developed preliminary trigger indicators for Kiawah’s marshes, including values for UVVR and changes in location and composition of vegetation. If appropriate actions are taken at these trigger points, the severe consequences of reaching marsh health thresholds can be avoided.

**Figure 5-** Adaptive management is a cyclical process.

**Figure 4-** Observed decline triggers action for recovery.





## MONITORING FRAMEWORK

More than one current management document for Kiawah lays out elements of a marsh monitoring framework, including the 2019 Comprehensive Plan Amendments and the findings of a task force assembled by the Kiawah Conservancy to consider marshes. A comprehensive monitoring program should include both field-based and remote data collection.

The environmental committee of the Town Wildlife Department planned to undertake aerial orthography of the island every three years to monitor changes in the salt marsh (NR element 2.c). The Kiawah Conservancy recommends establishing long-term field sites for marsh vegetation monitoring quadrats from open water to highlands to record visual evidence if communities of high marsh *Borrichia frutescens* and *Spartina patens* become sparse and slowly transition to communities of *Sporobolus alterniflorus* and *Salicornia spp.* Monitoring in these quadrats and at additional locations could also include invertebrate abundance and density, water quality, oyster reef abundance and survival, land cover, and recreational fisheries. Unpublished outcomes of the KICA Adaptive Management Plan also informed this recommendation.

## PARTNERS

TOKI, as the lead actor in marsh monitoring, should partner with the Conservancy to implement a regular, comparable monitoring protocol and partner with KICA to assist with the human resilience elements. Additionally, ARB should assist with an inventory of marshfront structures, including shoreline protection devices.

## IMPLEMENTATION

Establish a five-year monitoring program to quantify the duration and frequency of marsh health thresholds and identify Trigger Points to alert the island if it is approaching a threshold. Response Plans for thresholds should be developed before the triggers are reached. Recommendations of this plan should be implemented in advance to preserve marsh health and reduce risk of hitting the triggers. Monitoring should include both educational citizen science, and internal technical mapping, elements. Based on the state of the science at the time of report publication, the following triggers are recommended. Prior to each five-year update, a panel of marsh science experts should convene to adaptively modify the triggers based on state-of-the-art knowledge.

Trigger: Unvegetated-vegetated ratio (UVVR) greater than 0.05.

Threshold: Decreased productivity/community distribution

Trigger: 5 feet of critical line movement into upland/marshfront (1 ft/yr).

Threshold: Erosion of private property/infrastructure

Trigger: 30% increase in tidal flood days (water levels at Kiawah River Bridge and Ocean Park tide gauges > 7.0 ft MHHW).

Threshold: Increased tidal flood days

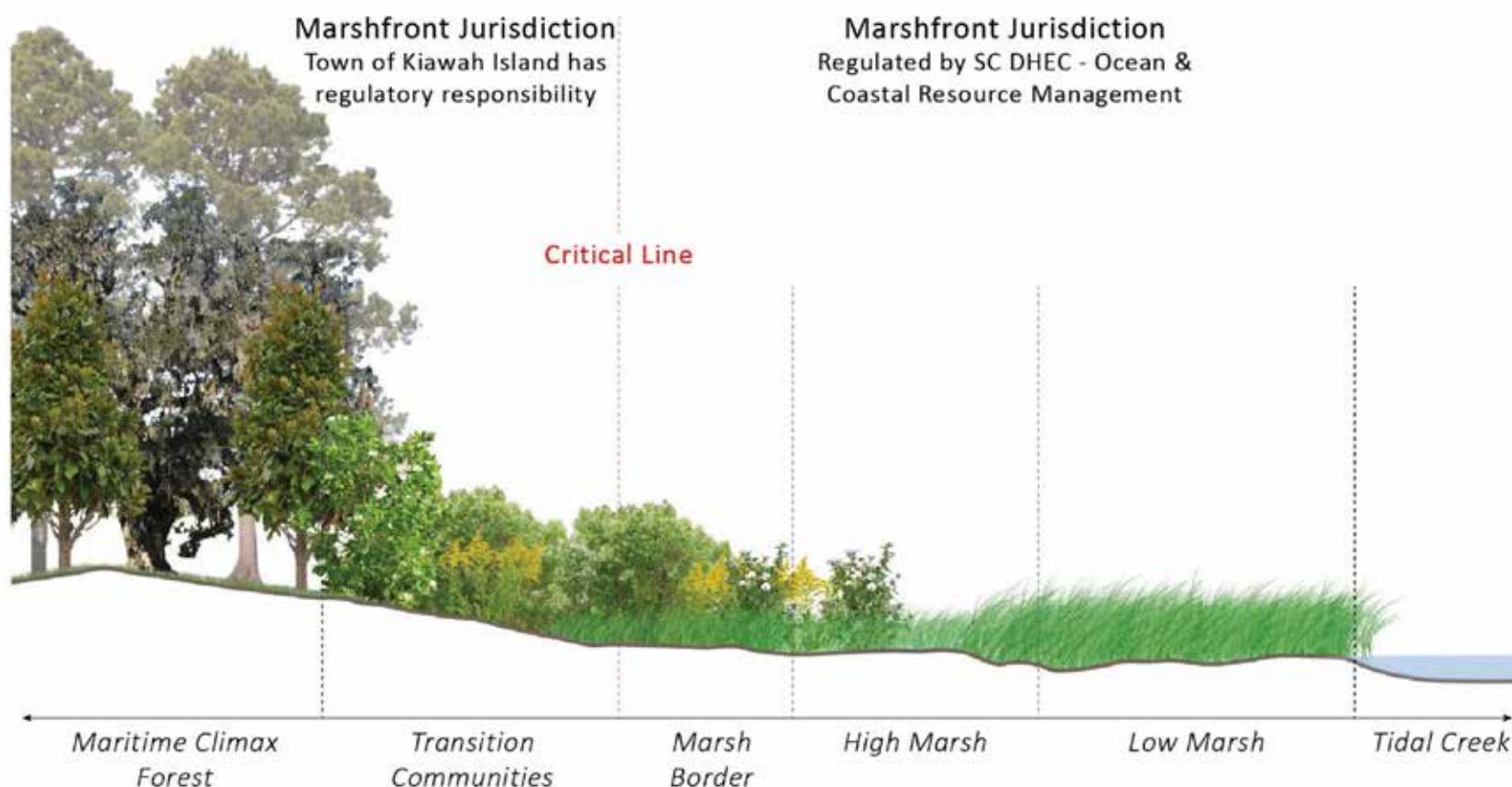
Response plans are suggested in the following sections (e.g., Protect: Shoreline stabilization options to address marshfront erosion.)



## II: Protect

A consistent management approach to Kiawah's marsh will depend on a regulatory framework that governs the actions that organizations or individuals are allowed to take in the marsh. SC DHEC will be engaged

in this effort because they have jurisdiction from the critical line to open water (figure 8). This section describes six policy or regulatory actions to protect Kiawah's marsh.



**Figure 8-** The "Critical Line" is a biophysical jurisdictional feature that will shift with the edge of the marsh as it migrates due to sea level rise



## CODE

**Recommendation: Consolidate Town Code's existing marsh-related elements.**

Justification: Currently, there are several different locations for marsh-related regulation, including Sec. 12-76 Waterfront development standards; Sec. 12-104 Accessory uses, buildings/structures; and Sec. 12-127 Compatibility buffering standards. Users must cross reference to identify pertinent regulation.

Implementation: Existing regulations and carefully drafted future ordinances adopted by the town should populate this section. This will help make the code easier to navigate when searching for ordinances that relate to marsh management.

*The ultimate destination of stormwater on Kiawah Island is the marsh. KICA is the entity responsible for the island's stormwater drainage system. In the spring of 2020, members approved a special assessment to fund six infrastructure improvement projects that represent a foundational step in Kiawah's water management planning. The infrastructure improvements are expected to be complete by the end of 2022.*

## PERMIT

**Recommendation: Streamline natural solutions permitting at local, state, federal levels to maintain balance between development and a healthy marsh.**

Justification: Recent progress in the permitting of living shoreline by DHEC OCRM and work by the Living Shorelines Working Group has made standard design options for living shorelines far easier to permit than they were even three years ago. Nevertheless, the regulatory structures can still be difficult to navigate for individual landowners and their engineering consultants.

At the local level, few options exist for private property solutions particularly along areas that are not subject to tidally induced erosion (i.e., do not qualify for an OCRM critical permit). Options are needed that meet owners' flood mitigation needs while preserving marsh function.

Implementation: KIEEC creates a work group of engineers, contractors, staff, and other stakeholders to develop appropriate, constructible, and aesthetic green flood control and marshfront shoreline management options. TOKI pilots innovative design and leads permitting for local solutions, opening a pathway for neighboring landowners.

Partnerships: KIEEC, ARB



## STORMWATER MANAGEMENT

**Recommendation:** Strictly limit impermeable surfaces, formalize stormwater BMPs for private properties.

Justification: Current stormwater regulations simply direct designers to convey water to the critical line or other outfall point, without consideration of its potential effects on the marsh. Low Impact Development (LID) is an integrated, comprehensive approach to land development or redevelopment that works with nature to manage stormwater as close to its source as possible. LID practices can protect local water quality and reduce urban flooding through best practices in stormwater management. Widespread implementation will also reduce pollution of the marsh by filtering and nutrient retention.

The Conservancy's green infrastructure practices and standards from the LID manual for coastal South Carolina (Ellis et al 2014) include implementing practices at the site scale to reduce runoff volumes, modifying practices to prevent bypass during intense storm events, periodically revisiting design storms and mapped flood plains, using adaptable plants in place of native species, and using stormwater as a water source for irrigation.

Implementation: TOKI and ARB develop complementary regulations for private properties. KIIIEEC works with KICA to implement to the extent possible in public works. KIIIEEC draws from the Conservancy's Green Infrastructure and Low Impact Development Practices manual.

Partnerships: ARB, Conservancy, KICA, KIIIEEC

## BULKHEADS + MARSHFRONT BERMS

**Recommendation:** Regulate bulkheads and other flood/erosion control structures upland of critical line.

Justification: Article 17 TOKI's municipal code allows TOKI to review bank retention designs and submit comments and recommendations, but provides little authority to guide decision-making.

Implementation: Codify ARB standards with a Town ordinance requiring that bulkheads beyond the critical line may only be constructed with prior-OCRM approval, must be constructed flush with adjacent grade/elevation, and any disturbed land must be backfilled and planted with appropriate vegetation. All erosion control or flood mitigation construction regardless of location relative to the critical line requires a Town permit with proof of location and a depiction of the certified critical line. Bulkheads on high ground are not recommended; rather, options for shoreline restoration (like terracing) are included in Section X.

Partnerships: ARB, KIIIEEC

*Ordinance precedence (City of Folly Beach § 151.23) regulates berms, bulkheads, riprap, seawalls, revetments and retaining walls (See Appendix X). No portion shall be placed beyond the critical line without approval of OCRM. All structures placed wholly or partly within the setback from the critical line must be maintained in an intact usable condition or removal may be sought at the owners expense. New or substantially improved methods cannot be combined in a manner that would compound flooding, significantly impair drainage, or cause adjacent shoreline impacts.*





## Setbacks/Buffers

*Controlling stormwater with vegetative buffers is one of the most effective ways to protect salt marsh habitat (see Appendix 6.2).*

*According to Morganello and Rose (2013), vegetative buffers provide the following benefits:*

- 1. Reduce pollution in stormwater runoff,*
- 2. Reduce shoreline erosion and property damage caused by flooding,*
- 3. Provide increased privacy to the homeowner while still maintaining a view corridor,*
- 4. Serve as wildlife habitat, and*
- 5. Save the homeowner money, especially when native plant species are dominant, as little to no water, fertilizers or pesticides are needed to maintain this area of the yard.*

*There are many types of vegetative buffers depending on the intent, location, and desired appearance and function. For example, the level of manicuring by property owners determines the differences between*

*undisturbed, natural, and landscaped buffers. Natural buffers involve the removal of invasive species and planting of native vegetation.*

*Other South Carolina communities with residential critical line buffers or setbacks include but are not limited to Beaufort County (50' buffer), Charleston County (35' setback + minimum 15' buffer that prohibits lawns and impermeable surfaces), James Island (35' setback + 15' buffer), City of Charleston (35' setback), and the Town of Mount Pleasant (35' setback + 25' buffer). A detailed listing of other S.C. local governments' marshfront regulations on bulkheads, setbacks, and buffers has been provided to TOKI staff.*

Note that the ARB regulates within their purview of aesthetics. TOKI needs to adopt ordinances to complement this with marsh preservation in mind. This applies specifically to setbacks and bulkheads.



## SETBACKS

**Recommendation: Standardize and codify ARB's marsh setback rule and codify the buffer requirement. For new development, the marsh setback is recommended to be 30 feet from the property line or the OCRM critical line, using whichever is most restrictive.**

Justification: Early real estate transactions, which included smaller lots with no marsh "ownership," were conveyed marshward to a set property line. More recent transactions, with larger lots that include marsh, have been conveyed out to MHW. To standardize regulations, the setback should be measured from the property line or the OCRM critical line, using whichever is most restrictive.

Implementation: This recommendation is consistent with the ARB's Designing with Nature Guidelines and with TOKI Ordinance 2013-1, which added Article 12, Section 12A-216(G.), Reductions to OCRM Critical Line Setbacks. At least the first 10 feet (closest to marsh) is established as a natural buffer, to be maintained only with native vegetation. Appendix 6.2 provides educational materials about the types of native vegetation that are recommended, as well as best management practices. Property owners can also learn more about creating healthy, watershed-friendly landscapes through the Carolina Yards program (<https://www.clemson.edu/extension/carolinayards/>)

The new ordinance exempts existing structures, which can be renovated at the previous setback. If existing structures are closer than 30 feet from marsh, they are exempted but redevelopment may not encroach any closer to the property line or the OCRM critical line, using whichever is most restrictive: (i.e., reoccupy existing footprint, no additional encroachment toward marsh). If 10 feet exists between critical line, a native buffer should be enforced. Within the setback, pervious surfaces are prohibited (to reduce the disturbance of the area) as well as impervious surfaces. The only construction allowed in the setback are boardwalks, fences, piers, and flood/erosion control structures as defined by previous recommendation.

- Partnerships: ARB, KIIIEEC

"DRAFT COPY"



## III: Engage

"DRAFT COPY"

Engagement is the means by which residents and decision-makers become informed, active, and strategic stewards of Kiawah's salt marsh. This section outlines recommended content, audience and techniques for education about the salt marsh.

Engagement is also a key step in increasing regulation and oversight of marsh resources. As a partner activity for the other goals, at first engagement should focus solely on education and marsh literacy, and evolve into a more concerted effort to achieve marsh management outcomes. Early efforts should utilize town and other entities' (particularly KICA and the Conservancy) websites as well as social media. The education campaign for Kiawah bobcats could serve as a useful model.

### What is Marsh Literacy?

Just as we expect citizens to have a basic understanding of the functioning and structure of government, and its most important safeguards, we want a community that understands basic information about Kiawah's marsh. This includes what it is (it's not a swamp! It doesn't have alligators!) and how we understand its health and trajectory through the key thresholds as described in Monitor. It also means understanding the effects of management actions, such as hardened shorelines or unfiltered stormwater runoff. The Kiawah Conservancy's catalog of shoreline management practices and Clemson's stormwater guides summarize much of this information and are great resources to share.

### CITIZEN SCIENCE

#### **Recommendation: Develop citizen science program for marsh conditions.**

In conjunction with the monitoring plan, create an interactive "Show us your marsh!" form that is submitted to TOKI with photos and a description of the marsh indicator observed. As used in regional sea level and king tide trackers, a time stamp can link weather conditions, tide stage, etc.

Justification: Encouraging engagement with the marsh and documenting use can move people into the ladder of engagement (figure X).



**Figure X** - Ladder of Engagement



## OUTREACH

**Recommendation: Hire local organization to undertake a concerted outreach campaign**, based on materials from the Conservancy and this CMMP process.

Justification: Background information and understanding is needed to explain why new policies/ordinances are being considered and their role in marsh management.

Implementation: Marsh education materials should be included in regular events, for example, they could feature in a quarterly series at council meetings and/or Our World presentations. In a less formal setting, options could include an annual marsh management month and/or periodic happy hour updates. Work with the Resort to develop public education materials, co-host events (e.g., marsh sweep), and hold staff (e.g., boat captains) education sessions.

Explain the rationale behind the CMMP recommendations and new regulations.

Partnerships: In this case, partners are both educators and educatees (the ones being educated) and include KICA; Conservancy; ARB, Resort; Realtors (convey pertinent information to new buyers); Rental management companies and property owners of STRs; BZA; Other Partners.



## IV: Restore

### RESTORATION OVERVIEW

In addition to monitoring, regulation, and education, active and restorative management of the marsh is a key component of a comprehensive approach. From the marsh's point of view, the best option for marsh management is often conservation of the land through acquisition, so the first recommendations focus on financing and acquisition for conservation. The next section summarizes some of the approaches that have been used on Kiawah and others that might be considered in the long term. It draws heavily on the Conservancy's work on nature-based solutions marsh management, adding a few restoration and management techniques that could be considered depending on site conditions. Where property owners are concerned about erosion and loss, active management can stabilize the shoreline with methods that vary widely in their impacts to the habitat value and long term resilience of the marsh. Finally, this section closes with recommendations for pilot marsh restoration and shoreline stabilization efforts.



## FUND

**Recommendation: Annually monitor and update funding opportunities for marsh restoration.**

Funding may come from a variety of sources as opportunities arise, including:

- The National Oceanic and Atmospheric Administration (NOAA) which regularly funds projects that increase coastal resilience to the effects of sea level rise;
- The National Fish and Wildlife Foundation (NFWF) which has ongoing programs to fund approaches to habitat preservation and restoration;
- And the recently formed South Carolina Office of Resilience (SCOR) which sometimes offers to provide the matching funds needed to secure external funding.
- Special consideration should be given to the formation of a TOKI Marsh Mitigation Fund, drawing on new sources of funding emerging from regulations and policy as laid out in this plan. A marsh mitigation fund could be an ongoing source of match funding when required by federal, state, or private grant entities.

## ACQUIRE

**Recommendation: Acquire additional parcels of marsh and marshfront property.**

Justification: As an accredited land trust and qualified conservation organization, the Conservancy serves as the lead actor to protect marsh and marshfront lands.

Implementation: Support ongoing land acquisition and conservation easement efforts of the Conservancy. Consider upstream land acquisition in the watershed outside of municipal boundaries. Preserve lots in undeveloped areas or low-density developments.

Partnerships: Conservancy

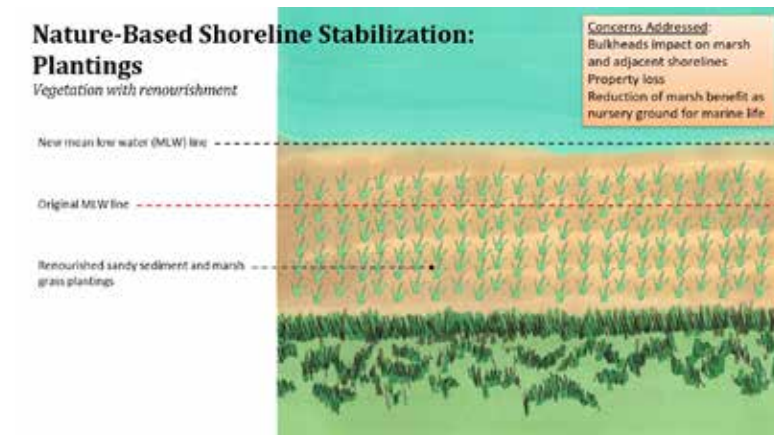


## RESTORATION TECHNIQUES

Recommended restoration methods include

- the development of living shorelines, particularly along edges of the marsh facing tidal creeks as opposed to open ocean,
- the stabilization of eroding banks by use of structural elements such as enviroloks,
- revegetation with native marsh plants,
- construction of oyster reefs to provide habitat but also attenuate storm surge, and
- the use of stormwater BMPs to slow and filter runoff from impervious surfaces to curb flooding and decrease in water quality.

Ecological restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Informed by monitoring and supported by policy and regulations recommended in this plan, restoration activities can help to mitigate the impacts of existing and future development and the pressures of sea level rise on Kiawah's marshes. By investing attention and resources into the restoration of marsh functionality, a healthy trajectory can be achieved. Management strategies to enhance tidal marsh persistence include restoration of riverine sediment supply, thin-layer sediment placement, drainage enhancement, shoreline protection, and invasive species management (Day et al 2007, Blum and Roberts 2009, Wigand et al 2017, Thorne et al 2018).



Kiawah Conservancy has developed a collaborative report on nature-based solutions, such as marsh restoration, oyster reef restoration, permeable surfaces, and rain gardens, to help reinforce and augment natural infrastructure. The document provides a suite of previously vetted nature-based solutions for Kiawah Island following engagement with key organizational stakeholders.





## RESTORATION TECHNIQUES: LIVING SHORELINES



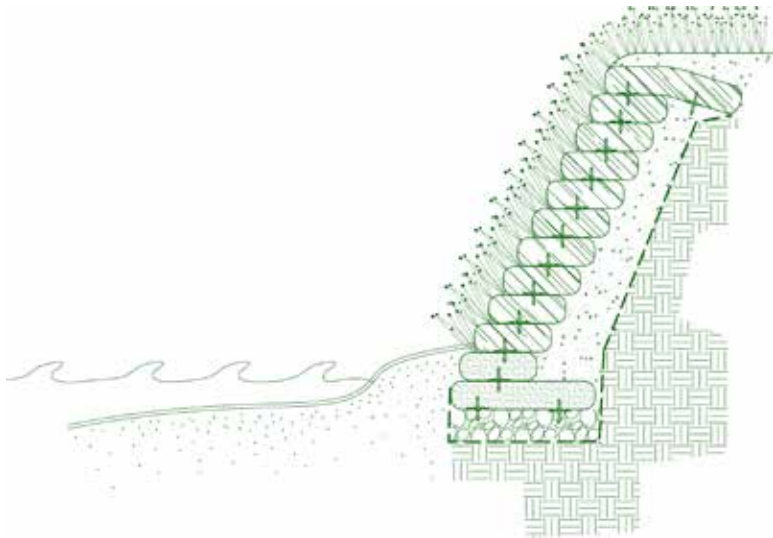
Living shorelines are a method of shoreline stabilization using plants and natural materials to reduce erosion and slow the wave energy associated with storms. Rather than creating a barrier between the shore and water, as with conventional bulkheads and seawalls, a living shoreline allows for a natural transition. The shoreline can thus provide erosion protection while still performing valuable ecosystem services and maintaining aesthetic character that makes Kiawah unique and desirable place to live and visit.



## RESTORATION TECHNIQUES: ENVIROLOK

Envirolok is a geobag system designed to stabilize shorelines.

Because it doesn't have an offshore wavebreak component, it cannot diffuse wave energy, but it is designed to recruit vegetation that will continue to stabilize shorelines over time. It is effective with sufficient sunlight.

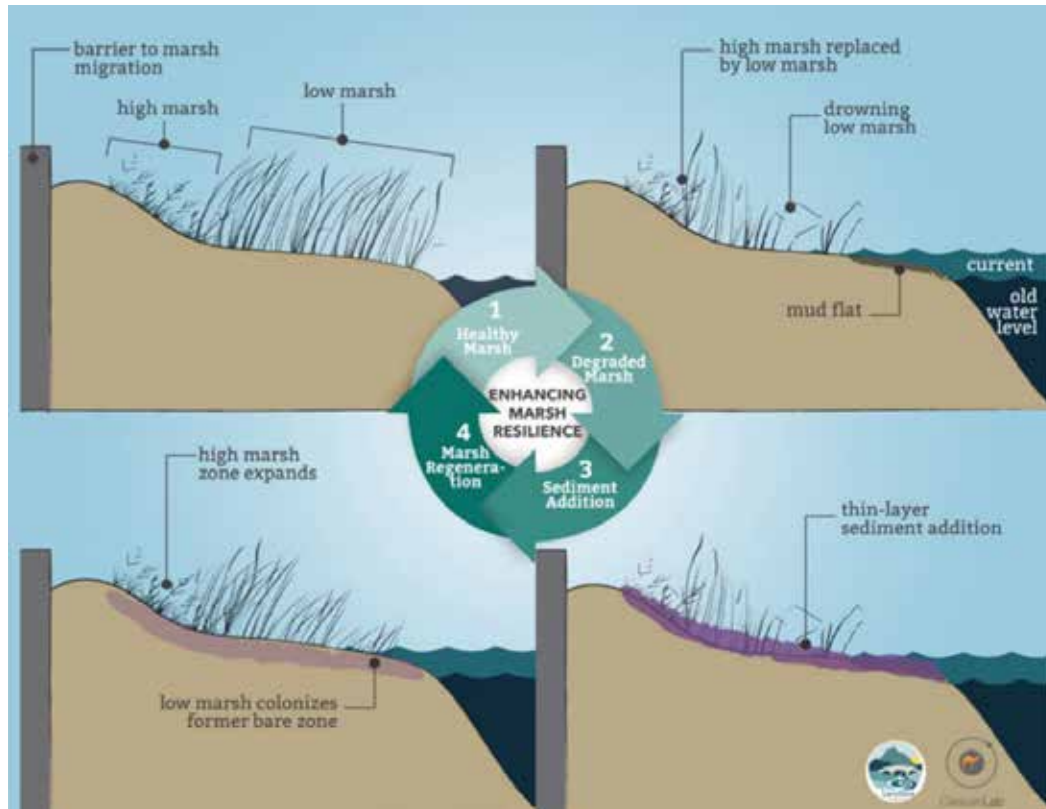


Credit: Envirolok





## RESTORATION TECHNIQUES: THIN LAYER PLACEMENT



Credit: National Estuarine Research Reserve Association (NERRA)

Thin layer placement (TLP) of reused dredge material is a novel technique that is gaining favor for coastal restoration and resiliency applications in other regions. TLP involves pumping wet dredge material from a floating vessel onto the targeted area over existing wetlands to evenly cover with a thin layer (6" or less) of material. The depth of material is such that the covered vegetation can grow through and adapt to the new elevation over a couple growing seasons.



Credit: U.S. Army Corps of Engineers

### Concerns Addressed

- Marsh health
- Reduction of marsh benefit as nursery ground for marine life
- Loss of protection offered by marsh

Projects have been completed using this technique along the East Coast but are reliant on the preferences of permitting offices whether it will be permissible. Precedent projects exist for the use of TLP for marsh resiliency along the east coast, but few are located in South Carolina. A 2-hectare TLP project within Jekyll Creek outside Savannah, Georgia was completed in 2019.



## RESTORATION TECHNIQUES: PRESCRIBED BURNING

Marshes throughout the world have been managed through the strategic use of fire and burning practices for thousands of years. Large-scale prescribed burning has been used as an experimental method of marsh restoration in the US Gulf states with promising results that point to its use in the management of invasive species, addition of needed nutrients to marsh soils, and there are even some study results that indicate burning as a method for promoting accretion of organic and inorganic materials in marshes that could keep pace with sea level rise as predicted in some coastal areas.

Prescribed burning as a tool for ecological restoration on all types of land cover has been well documented and is strictly permitted, with protocol in place to minimize risk and ensure a successful burn. While public perception of the use of fire may require education to placate concerns, the results are likely to be worth the effort. Potential partners include The Nature Conservancy and the South Carolina Department of Natural Resources.

For more information, see *USGS Open-File Report 2012-1031 "Effects of Prescribed Burning on Marsh Elevation Change and the Risk of Wetland Loss"*  
*U.S. Geological Survey, Reston, Virginia 2012*



N.C. Forest Service crews monitor a marsh burn on Mar. 30, 2021.  
Credit: Nicolas Xique

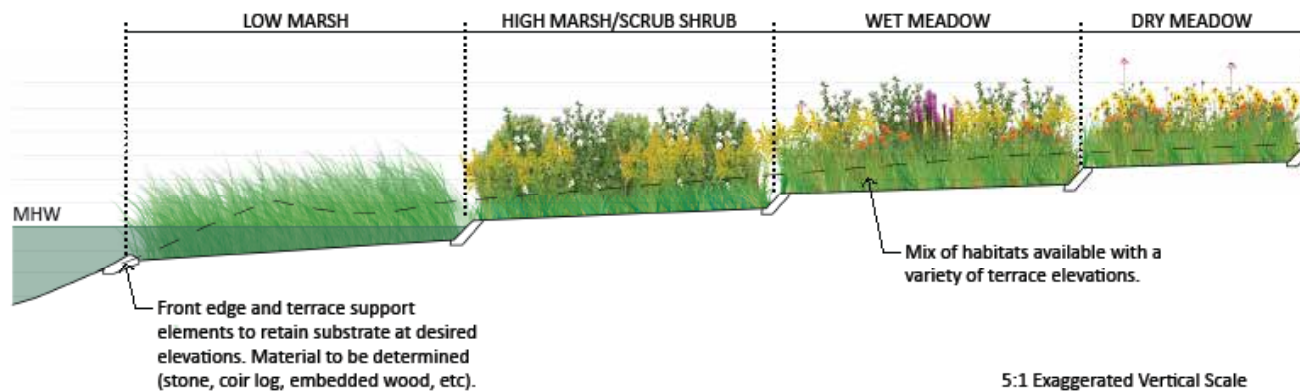




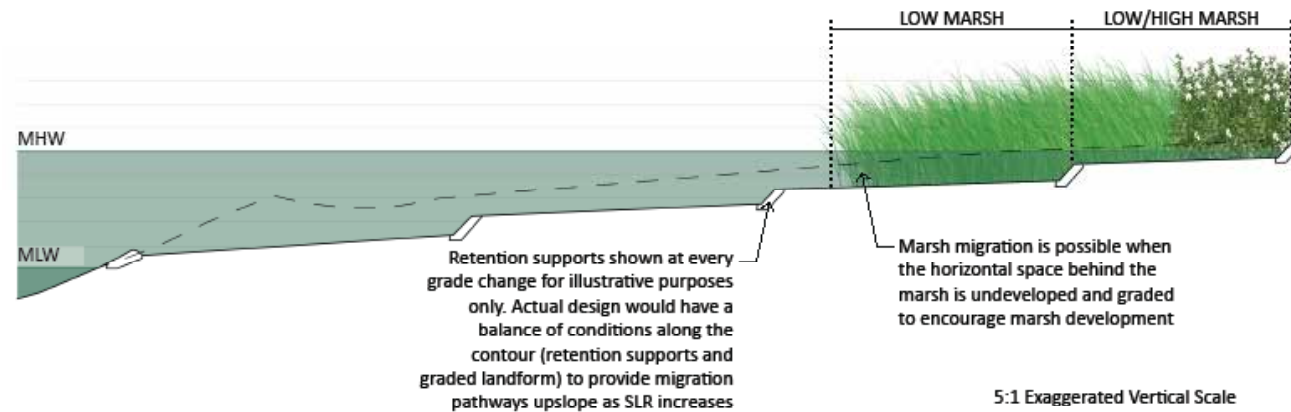
## RESTORATION TECHNIQUES: RESILIENCY TERRACING

Where space permits, an option to counter loss of shoreline protection is terracing, which can allow for a limited amount of marsh migration

and vegetative & habitat diversity. **The diagrams below** show a barrier (retention feature) at every elevational change,



Proposed Resiliency Terrace Section (Current Water-level Scenario)



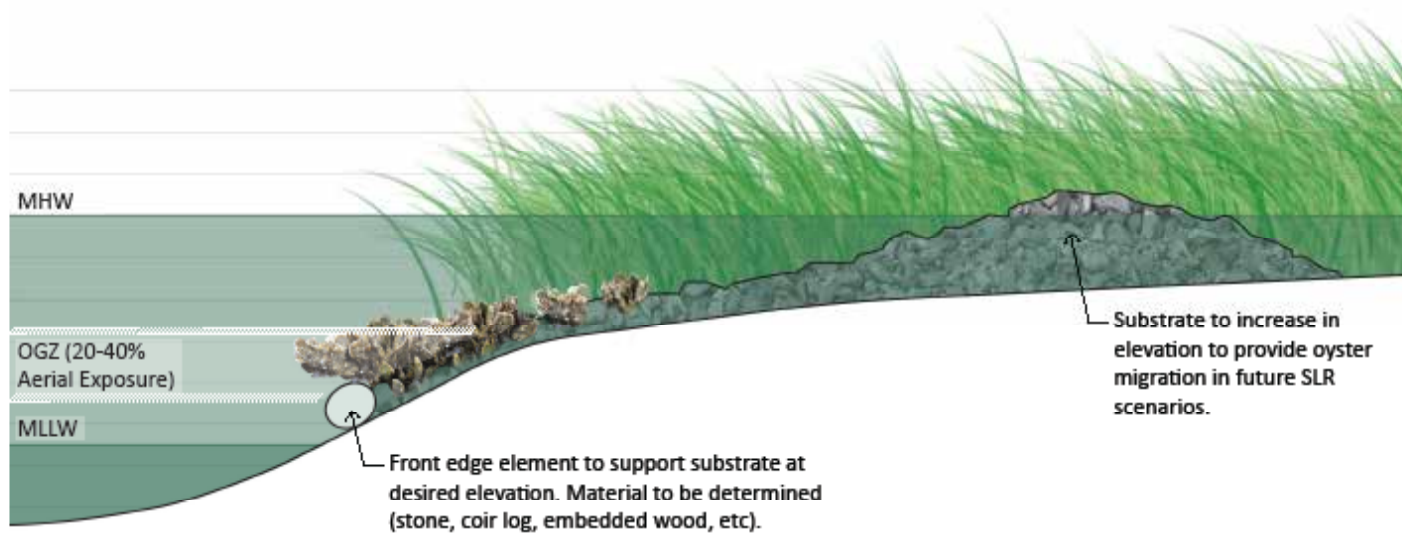
Proposed Resiliency Terrace Section (+3 SLR Water-level Scenario)



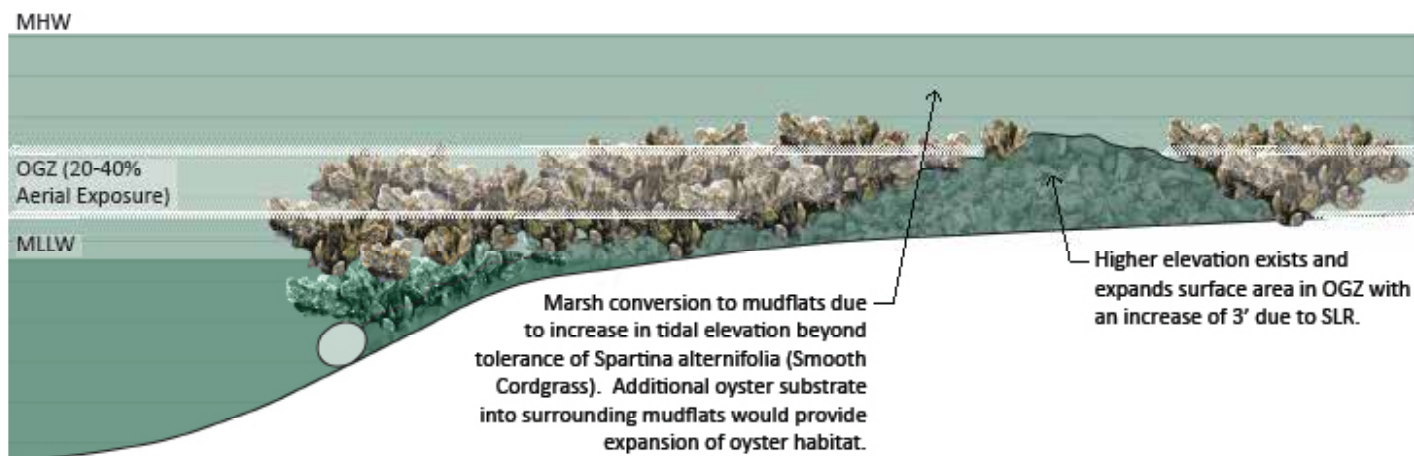
## RESTORATION TECHNIQUES: OYSTER REESTABLISHMENT

Oysters exist only within the tidal zone, and are considered ecological engineers because their presence alters the surrounding environment to the benefit of many types of flora and fauna. They are filter feeders and benefit water quality by removing sediments, nutrients and contaminants from the water, in addition to plankton, which is their main food source. The subsequent water quality benefits and wave attenuation impacts from their reef formations provide favorable conditions for the growth of submerged aquatic vegetation (SAV).

Oysters are mobile as spat (baby oysters) but once they set onto a surface they become sedentary. Oyster shell, both living and non-living, provides the ideal condition for setting of spat and overtime can form a large community of oysters, referred to as oyster reefs. Oyster reefs are a complex matrix of shell and small unoccupied space (interstitial space) that provides habitat and refugia for a wide range of species, both juvenile and mature; SAV also provides similar habitat benefits and are supported by the presence of the oyster reef, as noted above.



Proposed Oyster Establishment Section (Current Water-level Scenario)



Proposed Oyster Establishment Section (+3 SLR Water-level Scenario)





**Figure 7** - Living Shoreline. Credit: Biohabitats, Inc.

## RECOMMENDATION: PILOT

### **Recommendation: Prioritize voluntary, multi-property-scale, comprehensive demonstration/pilot living shoreline project (near-term)**

**Justification:** Given the risks posed to private landowners on Kiawah by the various impacts of sea level rise, and the challenge of widespread adoption of solutions by owners, it makes sense to enroll properties in a pilot program to both test and demonstrate the value of a living shoreline project.

**Implementation:** Property owners may volunteer to participate in a living shoreline project that weaves together the constructed and natural systems of the marsh. Uniting adjacent properties under a single permitted structure would allow for greater impact and is essential to the success of the project. A public-facing restoration project, like this pilot living shoreline project on private property, has a potential impact through visibility and accessibility, as well as impact for habitat and marsh health.

**Partnerships:** TOKI, Conservancy, Resort, Developer, and private landowners



Above: A group of marsh-front property owners as pictured in this aerial photo of a residential area in Beaufort illustrates a similar condition to that found on Kiawah Island. While homeowners enjoy their privacy and individual ownership, the marsh itself is a feature that connects all adjacent properties,

both in its benefits and its growing challenges. This management plan recommends the coordination of a large-scale marsh restoration project that invites buy-in from multiple consecutive landowners in order to achieve a maximum effect.





## RECOMMENDATION: RESTORE

**Recommendation: Assess feasibility and conceptual design of a large-scale community-administered shoreline stabilization project (2-3 years)**

**Justification:** Areas of Kiawah Island have been losing ground to erosion, which will only worsen with sea level rise. A large-scale public shoreline stabilization project with marsh elements could bolster the erosion-mitigating potential of the marsh.

**Implementation:** Beachwalker Park lost between 70 and 100 feet of land as a result of Hurricane Matthew in 2016, and continues to lose ground through tidal and flooding-related erosion along the Kiawah River. TOKI's emergency beach access road is compromised and may soon be impassible. This location is a public site with interest from multiple stakeholders with buy-in, will, and capacity to complete the restoration, who can offer access the site for restoration activities.

**Partnerships:** Charleston County Park and Recreation Commission, Developer



**Figure 8** - Erosion along the Kiawah River near Beachwalker Park.  
Credit: Biohabitats, Inc.



**Left:** The causeway entrance to Kiawah Island is experiencing significant degradation due to erosion caused by trampling. Over time, and coupled with SLR, the parkway infrastructure could be compromised by a sharp decline in marsh health, accelerating erosion. Management techniques could include the thoughtful design of public access (e.g. boardwalk or fenced path), paired with the use of previously detailed restoration techniques, such as revegetation and living shoreline.



**Left:** Mingo Point was identified as a hot spot of concern due to erosion occurring along the bank of the Kiawah River. While erosion on the outside bank of a stream is natural, in this location it could eventually undercut the road and parking infrastructure, as it has at Beachwalker Park. As seen on previous pages, there are a suite of management techniques that could be used here, including Envirolok and other nature-based bank stabilization designs.

**Below:** Beachwalker Park presents an extreme case of bank erosion and loss of marsh. Because the steepness of the bank and presence of parking lot limits the marsh from migrating eastward as the river naturally shifts, the marsh is disappearing in this location. Recommended treatment here includes removing part of the parking lot to re-grade the bank and use Envirolok and similar bank stabilization.



# Next Steps

It is important to capitalize on the momentum and discussion from this planning process as soon as possible. As described above, creating a forum for discussion and agreement (KIIEEC) is an immediate need. Within that framework, the next steps should include rigorous focus on actionable

steps for marsh protection. The following recommendations have active partnerships or a foundation that raises them to the fore of immediate consideration.

## FIRST IMPLEMENTATION PRIORITIES



**MONITOR:** Develop scope of work for Kiawah Conservancy's baseline monitoring efforts.



**PROTECT:** Propose revisions to marsh-related elements of Town Code.



**ENGAGE:** Schedule outreach activities over the 18-month time horizon



**RESTORE:** Take action to manage marsh access and erosion near the causeway entrance (page 39).

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TIKA Environmental Committee. 2018. Flood Mitigation and Sea Level Rise Adaptation for Kiawah Island, SC

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**TAB 4**

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# **TOWN COUNCIL**

## **Agenda Item**





# Request for Town Council Action

**TO:** Mayor and Council Members

**FROM:** Stephanie Monroe Tillerson, AICP, Town Administrator

**SUBJECT:** Charleston County Sheriff's Office Contract Extension

**DATE:** February 7, 2023

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## BACKGROUND:

The Town has a long relationship with the Charleston County Sheriff's office through the contracting of off-duty deputies to provide 24-hour coverage, 7 days per week, year-round for the Town of Kiawah Island (to include Freshfields). The contract is reviewed annually by staff and/or the Public Safety Committee and expires on December 31 of every year. However, both parties agreed to extend the contract through February 7, 2023.

## ANALYSIS:

General information:

- The Town budget vs. actual expense for off-duty deputy coverage for the following fiscal years:
  - FY20 budgeted \$505,000, actual \$459,088,
  - FY21 budgeted \$454,000, actual \$430,561, and;
  - FY22 budgeted \$448,000, actual \$357,919
- The percentage of coverage we budget in terms of costs is not 100 percent because we have not received 100 percent of coverage in the last seven years with our off-duty deputy contract.
  - FY22 and FY23, we have budgeted for 70 percent coverage.
- The average percentage of coverage in terms of personnel:
  - FY20 – 69%
  - FY21 – 67%
  - FY22 – 65%
  - FY23, to date, is 50% for the 3<sup>rd</sup> shift and 65% for the 2<sup>nd</sup> shift.

## ACTION REQUESTED:

Town Council approval of the one-year contract for 2<sup>nd</sup> and 3<sup>rd</sup> shifts only with the Charleston County Sheriff's Office commencing on February 7, 2023, and expiring December 31, 2023.

## BUDGET & FINANCIAL DATA:

Public Safety Off-Duty Services' only cost is approved in the FY23 budget - \$535,201 (\$385,345 SATAX), (\$69,576 LATAX), and (\$80,280 General Fund).

## **CHARLESTON COUNTY SHERIFF'S OFFICE**

**EMPLOYER:** Town of Kiawah Island

**TELEPHONE NUMBER:** 843-768-9166

**ADDRESS:** 4475 Betsy Kerrison Parkway, Kiawah Island, SC 29455

**PERSON CONTRACTING SERVICES:** Mayor John Labriola

**TYPE OF BUSINESS:** Local Government

**DUTIES TO BE PERFORMED:** Police Protection, Traffic Control, Emergency Response

**DAYS AND HOURS OF EMPLOYMENT:** 24 Hour Coverage, 7 Days per Week, Year-Round

**CONTRACT TERM:** January 1, 2023 to December 31, 2023

**PERMANENT OR TEMPORARY:** Temporary

**NO. OF DEPUTIES NEEDED:** 2 deputies – 2<sup>nd</sup> shift

2 deputies – 3<sup>rd</sup> shift

2 Additional Deputies from 8:00 a.m. to 4:00 p.m. weekends

Commencing the Friday before Memorial Day through Labor Day

**COORDINATOR FOR CCSO:** Lt Christopher Brokaw

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### **STIPULATIONS OF CONTRACT**

1. Deputies are contracted at an hourly rate of **\$40.00 per hour**. The contract requires the number of Deputies as stated above per shift for two shifts per day, at a rate of \$40.00 per hour. The normal workweek for Deputies shall be equivalent to forty-three (43) hours per week. Additionally, a fee of \$10.00 per deputy per shift for vehicle and equipment usage will need to be made payable to Charleston County.

|                       |                     |
|-----------------------|---------------------|
| 2 <sup>nd</sup> Shift | 4:00 pm to 12:00 am |
| 3 <sup>rd</sup> Shift | 12:00 am to 8:00 am |

#### **HOLIDAY PAY:**

During the following holidays; **New Year's Day, Easter, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving, Black Friday, Christmas Eve, Christmas, and New Year's Eve**. Deputies will receive pay based on time and a half, **\$60.00 per hour**.

- **Labor Day, Memorial Day** - beginning with the 1<sup>st</sup> shift on Saturday and ending with the 2<sup>nd</sup> shift on Monday.
  - **4<sup>th</sup> of July** - beginning with the 1<sup>st</sup> shift prior to the holiday and ending with the 2<sup>nd</sup> shift of the day following the holiday.
2. The Coordinator for the Town of Kiawah Island's off-duty employment detail will be paid at a rate of \$35.00 per hour, not to exceed \$18,200 in total during the term of this agreement. The Coordinator will work directly with the Town's Public Safety Director. The Town will receive prior notification (within 30 days) if the Coordinator is to be changed.
  3. Work performed by the Coordinator is to coordinate, manage and oversee the activity of deputies assigned to the Town of Kiawah Island. In addition, the Coordinator will provide the Town's Clerk a monthly activity report to include crime statistics, number of calls (total and per unit), average response time, number of arrests, number of tickets issued, and other statistics as may be agreed upon or requested. These reports are due on or before the 5<sup>th</sup> of every month so that they can be included in the Public Safety Committee monthly meetings.
  4. All employers contracting with the Charleston County Sheriff's Office must provide Workers' Compensation coverage. A copy of the secondary employer Workers' Compensation Policy must accompany the contract when requesting deputies for off-duty employment. If the employer does not have Workers' Compensation Insurance, the Sheriff's Office will provide the coverage for the secondary employer at the rate of \$7.00 per one hundred dollars of salary. This amount will be calculated by and payable to the Sheriff's Office prior to the commencement of the secondary employment.

5. Deputies of the Charleston County Sheriff's Office engaged in off-duty employment of a police nature may be employed only within the legal boundaries of Charleston County, may not perform tasks other than those of a police nature, and may not enforce any rule or order of an employer governing customer behavior of the employer's premises where the customer's conduct does not constitute a violation of the law. Additionally, deputies will not be permitted to engage in any employment which would violate any county, state, or federal law.
6. All deputies of the Charleston County Sheriff's Office must always be available to respond to police emergencies. The Sheriff's Office is the primary employer of this Department's sworn deputies, and the Department's requirements will take precedence over any secondary or private employment of an off-duty deputy. In an emergency, deputies will leave his/her private detail at the direction of Charleston County Sheriff's Office Communications and respond whenever needed. However, deputies that are part of the Town's detail will not be working for any other Kiawah entity during the times they are working for and billing the Town of Kiawah Island.
7. The Charleston County Sheriff's Office reserves the right to inspect payroll records of deputies employed by private contractors. The purpose of any such inspection will be to ascertain the hours a deputy is working to protect the best interest of the county and the deputy based on an evaluation of the total number of hours worked by the deputy. Failure to maintain proper payroll records will cause the contract to be canceled.
8. The Charleston County Sheriff's Office warrants that the deputies referred for part-time employment under this contract are in "good standing," as determined by the CCSO. The Town of Kiawah Island assumes no responsibility for any deputy misconduct outside his/her authorized scope of duties.
9. The Charleston County Sheriff has sole responsibility for their deputy; however, the Town will notify the Sheriff of any concerns we may have.

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I, the undersigned, understand all of the above requirements of the Charleston County Sheriff's Office as related to the employment of off-duty deputies by private employers and do hereby agree to abide by these regulations. I further understand that a minimum 24-hour notice of cancellation must be given to the Charleston County Sheriff's Office; otherwise, I will be responsible for the fees associated with a minimum four-hour contract.

**APPROVED:**

**TOWN OF KIAWAH ISLAND**

**CHARLESTON COUNTY SHERIFF'S OFFICE**

**John Labriola, Mayor**

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
AUTHORIZED SIGNATURE/EMPLOYER

\_\_\_\_\_  
OPERATIONS CHIEF/DESIGNEE

\_\_\_\_\_  
DATED

\_\_\_\_\_  
DATED



**TAB 5**

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# **TOWN COUNCIL**

## **Agenda Item**



# Request for Town Council Action

**TO:** Mayor and Council Members

**FROM:** Craig Harris, Director of Public Safety

**SUBJECT:** Code Enforcement Contract – Barrier Island Ocean Rescue

**DATE:** February 7, 2023

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## **BACKGROUND:**

In 2019, the Town amended its Short Term Rental Ordinance, and Council decided it needed additional code enforcement officers beyond the two we had to enforce the short-term rental ordinance. The code enlisted the Barrier Island Ocean Rescue (BIOR) as they were already enforcing the Town codes related to beach violations in their capacity as beach patrol and assisted as needed with other municipal infractions. Therefore in 2019, the Town entered into a one-year contract with BIOR for after-hours code enforcement services with the option to renew for two (2) one-year extensions for \$288,580.

In 2021, the Town released an RFP for Beach Patrol and Code Enforcement Services. The only proposal received was from BIOR. During our negotiations with BIOR, we mutually agreed to extend the current contract for one additional year from February 2, 2022, to February 13, 2023, in the same amount of \$288,580 to allow at that time the new Public Safety Director the opportunity to access the level of services received from BIOR.

## **ANALYSIS:**

In my assessment of services from the BIOR, I have concluded that the after-hour code enforcement services they provide the Town are appropriate and needed. Although the Town employs two full-time code enforcement hours, they are at times overwhelmed with short-term rental inspections and enforcement of all other municipal codes. Therefore, I recommend continuing the services for after-hours code enforcement with BIOR.

## **ACTION REQUESTED:**

Town staff respectfully request that the members of Town Council approve:

- **(Option 1)** a one-year contract commencing on February 14, 2023, with the option to renew for two (2) one-year extensions for \$389,376 with no changes to the current contract scope or schedule.

## **BUDGET & FINANCIAL DATA:**

As you have noticed, there was no increase in cost in 2021 when the Town negotiated the contract for an additional year. However, due to the increased cost of workforce, equipment, etc., they are seeking an increase of \$100,796. Four hundred thousand (\$400,000) is funded from short-term rental license application fee to cover the after-hour Code Enforcement contract and the Short-Term Rental Compliance Clerk. This increase will leave a shortage of \$40,000 that will be funded from general fund.

---

## Barrier Island Ocean Rescue

32 Sora Rail Road  
Kiawah Island, SC 29455  
[www.BeachPatrolSC.org](http://www.BeachPatrolSC.org)

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19 December, 2022

Members of Council:

As requested by Director Harris, we have created a proposal for continued contracted Code Enforcement services, specifically highlighting the need for enforcement of the Short Term Rental Ordinance, for the Town of Kiawah Island.

Rather than create a complete proposal packet, this letter is intended to convey that Barrier Island Ocean Rescue has an intimate understanding of the scope of work to be done, will commit to perform the necessary duties, that all qualifications outlined in the January 2022 Beach Patrol proposal are included and/or exceeded, and to present an option for continued, seasonally scaled staffing by officers who have created and maintained a reputation of quality, consistency, and a high level of service.

With no changes to the currently contracted scope or schedule, the cost of providing Code Enforcement service shall be \$389,376.00

We look forward to continuing and deepening our long-standing partnership with the Town of Kiawah Island.

Please don't hesitate to call or email us at any time.

Respectfully,

Robert Edgerton

  
Michael Sosnowski



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# Barrier Island Ocean Rescue

32 Sora Rail Road  
Kiawah Island, SC 29455  
[www.BeachPatrolSC.org](http://www.BeachPatrolSC.org)

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3 January 2023

## Members of Council:

As requested by Director Harris, we have created two proposal options for continued contracted Code Enforcement services, specifically highlighting the need for enforcement of the Short Term Rental (STR) Ordinance for the Town of Kiawah Island.

This letter is intended to convey the following:

- Barrier Island Ocean Rescue has an intimate understanding of the scope of work to be done,
- Will commit to perform the necessary duties,
- All qualifications outlined in the 2022 Code Enforcement contract are included and/or exceeded,
- Present options for continued, seasonally scaled staffing by officers who have created and maintained a reputation of quality, consistency, and a high level of service.

Currently, KICA provides 24 hour security to enforce their covenants, Resort Security provides 24 hour security to enforce their rules on their properties, and the Town contracts with the Charleston County Sheriff's Office to provide 24 hour state and county law enforcement. However, from 1:00am until 8:00am, the Town has no enforcement presence on the island.

Town Code Enforcement Officers are the only ones able to enforce the Town Ordinances. These Ordinances include for example: the after-hours noise ordinance, all of the Short Term Rental restrictions, fireworks restrictions, several beach-specific ordinances such as lighting control for sea turtle protection, the leash law, fires on the beach, etc. As shown in the statistics provided, after hours Code Enforcement has reduced the number of Short Term Rental Violations by 55% over a three-year period as well as policing the hundreds of other non-STR ordinance violations discovered between 5:00pm and 1:00am - demonstrating need for a Town presence and proving that active patrol and enforcement yields tangible results.

Please find below two options for Code Enforcement Service. The first option maintains the current existing service as drafted in December 2019. The second option will provide an additional seven hours of Code Enforcement coverage, allowing the Town to maintain a presence on-island 24/7.



- **Option 1**

- No Change in Service from the current contract
  - One officer patrolling from 5:00pm to 1:00am daily
  - An additional officer patrolling from 5:00pm to 1:00am from Memorial Day until Labor Day
- 2023 Contract Rate: \$389,376.00

- **Option 2**

- Includes all Option 1 services above
- Add one officer from 1:00am until 8:00am
  - Creates a 24/7 TOKI Code Enforcement presence
  - 68% increase in service
- 2023 Contract Rate: \$529,116.00

We look forward to continuing and deepening our long-standing partnership with the Town of Kiawah Island.

Please don't hesitate to call or email us at any time.

Respectfully,

Robert Edgerton



Michael Sosnowski



Year-to-Year Enforcement Comparison

| Violations                     | 2020 | 2021 | 2022 |
|--------------------------------|------|------|------|
| STR Violations                 | 3578 | 2987 | 1631 |
| Property Onwer Violations      | 1758 | 1127 | 581  |
| Vehicles Parked on Landscaping | 435  | 328  | N/A  |
| Disturbing the Peace/Noise     | 101  | 108  | 55   |
| Contractor Issues/Complainnts  | 445  | 137  | 317  |
| Fire/Fireworks                 | 29   | 41   | 4    |
| Public Assists/Medical         | 167  | 235  | 91   |
| Alligator Calls/Removals       | 39   | 32   | 24   |
| Turtle Activity/Beach Lighting | 41   | 270  | 106  |
| Underage Drinking              | 77   | 115  | 22   |
| Trespassing                    | 6    | 20   | 15   |
| Narcotics                      | 13   | 20   | 21   |
| Public Nudity                  | 7    | 21   | 21   |
| Other Ordinance Violations     | 143  | 331  | 347  |



**TAB 6**

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# **TOWN COUNCIL**

## **Agenda Item**

# 2023

## Board of Zoning Appeals

*The Committee members serve three year terms which expire on January 31st  
and are appointed by the Mayor and Town Council.*

**\*Frank Cassidy, Chairman (2026)**

31 Rhett's Bluff Road  
Kiawah Island, SC 29455  
Phone: (843) 768-4658  
Email: [fcassidy@comcast.net](mailto:fcassidy@comcast.net)

**\*J. Phillip Adams (2025)**

101 Bass Creek Lane  
Kiawah Island, SC 29455  
Phone: (914) 471-1800  
Email: [phillipadams47@gmail.com](mailto:phillipadams47@gmail.com)

**Ben Farabee (2024)**

39 Marsh Edge Lane  
Kiawah Island, SC 29455  
Phone: (843) 243-9861  
Email: [abfarabee@bellsouth.net](mailto:abfarabee@bellsouth.net)

**Morris Hanan (2024)**

70 Clay Hall  
Kiawah Island, SC 29455  
Phone: (847) 650-3642  
Email: [mvhanan@gmail.com](mailto:mvhanan@gmail.com)

**J. Jay Lewis (2024)**

114 Bufflehead Drive  
Kiawah Island, SC 29455  
Phone: (513) 310-2413  
Email: [RevJJBLewis@gmail.com](mailto:RevJJBLewis@gmail.com)

**\*Lin O'Leary (2026)**

29 Grey Widgeon Lane  
Kiawah Island, SC 29455  
Phone: (860) 463-4866  
Email: [linnieo@me.com](mailto:linnieo@me.com)

**Laurence (Larry) Rosenfeld (2025)**

99 Jackstay Court  
Kiawah Island, SC 29455  
Phone: (704) 437-1028  
Email: [larry@rosenfeldandco.com](mailto:larry@rosenfeldandco.com)

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**John Taylor, Planning Director**

Town of Kiawah Island  
4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455  
Phone: (843) 768-9166  
Email: [jtaylor@kiawahisland.org](mailto:jtaylor@kiawahisland.org)

**Russell Berner, Council Liaison**

4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455  
Phone: (843) 768-9166  
Email: [rberner@kiawahisland.org](mailto:rberner@kiawahisland.org)

**\*members to be appointed or re-appointed**

**MAYOR:**

John Labriola

**TOWN ADMINISTRATOR:**

Stephanie Monroe Tillerson

**TOWN ATTORNEY:**

Joseph Wilson

**TOWN OF**



**TOWN COUNCIL MEMBERS:**

John Moffitt

Bradley D. Belt

Michael Heidingsfelder

Russell A. Berner

## MEMORANDUM

**TO:** Mayor Labriola and Members of Town Council

**CC:** Stephanie Tillerson, Town Administrator  
Frank Cassidy, Board of Zoning Appeals Chair

**FROM:** John Taylor, Jr., Planning Director

**DATE:** February 7, 2023

**SUBJECT:** Board of Zoning Appeals Appointments

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The following persons have been recommended to be reappointed or appointed to the Board of Zoning Appeals.

There are currently **two reappointments** to be made and **one vacancy** to be filled on the Board of Zoning Appeals. Members of the Board of Zoning Appeals serve three-year terms.

**Mr. Frank Cassidy** and **Ms. Lin O'Leary** are recommended to be reappointed to the Board of Zoning Appeals. Both reappointment terms are set to expire in 2026.

**Mr. Phillip Adams** is being recommended to fill the existing term of Mr. Russell Berner (Elected to Town Council November 2022). Mr. Berner's term expires in 2025. Mr. Adams' term is set to expire in 2025.

**1. REAPPOINTMENT | Mr. Frank Cassidy (Term set to expire 2026)**

31 Rhett's Bluff Road, Kiawah Island, SC 29455 | Ph. 843-768-4658

[frankkcd@gmail.com](mailto:frankkcd@gmail.com)

**2. REAPPOINTMENT | Ms. Lin O'Leary (Term set to expire 2026)**

29 Grey Widgeon Lane, Kiawah Island, SC 29455 | Ph. 860-463-4866

[linnieo@me.com](mailto:linnieo@me.com)

**3. APPOINTMENT | Mr. Philip Adams (Term set to expire 2025)**

101 Bass Creek Lane, Kiawah Island, SC 29455 | Ph. 914-471-1800

[phillipadams47@gmail.com](mailto:phillipadams47@gmail.com)

## **J. Phillip Adams**

January 12, 2023

### Professional

Skadden, Arps, Slate, Meagher & Flom, LLP (New York, NY)

Associate Attorney, 1972-1980

Partner, 1980-1996 and 1999-2011

Counsel, 2012-2014

Areas of concentration include tax aspects of corporate mergers, acquisitions and divestitures; taxation of joint ventures and partnerships; taxation of cross-border transactions; tax controversies; tax aspects of executive compensation.

Westinghouse Electric Corp./CBS Corporation (Pittsburgh, PA and New York, NY)

General Tax Counsel, 1996-1999. Responsible for general tax planning and compliance for a large multi-national industrial and media corporation and for tax aspects of transaction and integration planning for transformation of Westinghouse into CBS Corporation.

### Teaching and Lecturing

University of Michigan Law School (Ann Arbor, MI)

Guest Lecturer, "Tax Planning for Corporate Transactions" Seminar (with Professor Douglas Kahn), Winter Terms, 2002-2005

Adjunct Professor of Law, Winter Term, 2006-Winter Term 2012

Professor from Practice, Fall Term 2012-Present

Courses Taught:

"Tax Planning for Corporate Transactions" Seminar: Case studies in tax aspects of structuring complex business transactions

"Introduction to Taxation of Business Enterprises": Lecture survey course in basic principles of U.S. Federal income taxation of corporations, partnerships and their equity owners

"Corporate Taxation": Lecture course in U.S. Federal income taxation of corporations and shareholders

"Partnership Taxation": Lecture course in U.S. Federal income taxation of partnerships and partners

Louisiana State University, Paul M. Hebert Law Center

Adjunct Professor of Law, Fall Term, 2011

"U.S. Corporate Taxation" Lecture course.

### Community Service

Member, Co-op Board, 262 Central Park West, New York, NY 1986-1990

### Education

B.A., Louisiana State University, 1969

J.D., University of Michigan, 1972

LL.M. (Taxation), New York University, 1979

### Contact Information

101 Bass Creek Land

Kiawah Island, SC 29455

Mobile phone: (914) 471-1800

Emails:

[phillipadams47@gmail.com](mailto:phillipadams47@gmail.com)

[padamsjd@umich.edu](mailto:padamsjd@umich.edu)

### Residences

Principal:

101 Bass Creek Lane

Kiawah Island, SC 29455

Secondary:

60 Meeting House Road

Bedford Corners, NY 10549

# Board of Zoning & Appeals

Members serve a three-year term. The BZA has three main purposes:

To hear and decide zoning appeals when it is alleged by the appellant that an administrative official has made an error (Administrative Review)

To hear and decide applications for variance from the requirements of zoning regulations (Variances)

To permit uses by special exception, subject to the terms and conditions for those uses as identified in the zoning regulations (Special Exceptions).

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## MEETING TIMES

**Monthly, every 3rd\* Monday at 4:00pm**



The Town of Kiawah Island

## **Board of Zoning Appeals Charter**

Board of Zoning Appeals (BZA) meets as needed to: hear and decide zoning appeals of an alleged error; hear and decide applications for variances; and permit uses by special exception. Members of this group are appointed by the Mayor and Town Council and serve for three-year terms.



**TAB 7**

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# **TOWN COUNCIL**

## **Agenda Item**

## 2023 Construction Board of Appeals

*The Committee members serve three-year terms which expire on January 31<sup>st</sup>, 2026  
and are appointed by the Mayor and Town Council.*

**Andrew Lingle**

AGL Services  
3429 Maybank Hwy Suite A1  
Johns Island, SC 29455  
Phone: 843-297-2475  
Email: [andrewlingle@aglair.com](mailto:andrewlingle@aglair.com)

**Maurice (Mo) Mangan**

Mangan, Inc.  
PO Box 749  
Johns Island, SC 29457  
Phone: 843-425-1511  
E-mail: [mkmanganinc@gmail.com](mailto:mkmanganinc@gmail.com)

**Stephen B. Sager**

Electrician  
582 Oyster Rake  
Kiawah Island, SC. 29455  
Phone: 768-4865 (H)  
Phone: 617-429 0630 (M)  
E-mail: [ssager@sbsager.com](mailto:ssager@sbsager.com)

**Marshall Beverly**

Beverly Plumbing, LLC  
3026 Plow Ground Rd.  
Johns Island, SC 29455  
Phone: 843-559-5732  
E-mail: [beverlyplumbing@aol.com](mailto:beverlyplumbing@aol.com)

**Kevin Haddigan**

Haddigan Electrical Contractors, LLC  
2938 Highway 17N  
Mt. Pleasant, SC 29466  
Phone: 843-884-0268  
Email: [kevin@haddiganelectrical.com](mailto:kevin@haddiganelectrical.com)

**Noel E. Kade**

Dolphin Architects & Builders  
3730 Bohicket Rd Suite 6  
Johns Island, SC 29455  
Phone: 843-830-2703  
[NoelKade78@gmail.com](mailto:NoelKade78@gmail.com)

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**Bruce Spicher, Building Official**

Town of Kiawah Island  
4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455  
(843) 768-9166  
[bspicher@kiawahisland.org](mailto:bspicher@kiawahisland.org)

# Construction Board of Appeals

The Construction Board of Appeals hear appeals regarding decisions and interpretations made by the Town's Building Official. Specifically, this committee hearing grievances and appeals regarding the application of the International Building Code, Residential Code, Mechanical Code, Plumbing Code, Fuel and Gas Code, Fire Code, Energy Conservation Code, Property Maintenance Code, Existing Building Code, Swimming Pool and Spa Code, and the National Electrical Code.

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## MEETING TIMES

**Annually, usually February, date and time determined by member availability**

**Town of Kiawah Island**  
**Construction Board of Appeals**  
**Rules of Procedure**

**History**

The Construction Board of Appeals was created by Town Council on May 6, 2014. The Construction Board of Appeals is empowered to hear appeals regarding decisions and interpretations made by the town's Building Official.

**Membership**

Seven (7) members appointed by Town Council. The membership shall be comprised of the following individuals: building contractor or architect, electrical contractor or electrical engineer, mechanical contractor or mechanical engineer, gas contractor, plumbing contractor, fire service professional, structural engineer/architect. Members shall have a minimum of ten years of experience in their given discipline, be duly licensed by the State of South Carolina as a design professional, fire marshal or fire chief, and contractor. The building official shall serve as ex-officio member. The board shall consist of volunteer members who reside within the jurisdictional boundaries of Charleston County.

**Term**

3 years

**Responsibilities**

- Hear grievances and appeals regarding the application of the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel and Gas Code, International Fire Code, International Energy Conservation Code, International Property Maintenance Code, International Existing Building Code, International Swimming Pool and Spa Code, and the National Electrical Code.
- Provide educational opportunities for contractors.

**Commitment**

The Board meets as called. Meetings usually last approximately one hour and are held at a time and place determined by the Chairperson. The board shall conduct annual meeting to remain an active board. Annual meeting shall commence on or before the second Wednesday in the month of February.

**Staff Liaison**

Town Building Official

**Purpose**

An integral part of the Town's system for regulation of construction best practices and island development; is the development of the Construction Board of Appeals. The board is empowered to hear claims that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the

provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have the authority to waive or grant variances to the requirements of this code.

The board shall hear such claims for all legally adopted codes as pursuant to Chapter 3 of the Municipal Code of the Town of Kiawah Island.

### **Definitions**

1. “approved” means approved by the Construction Board of Appeals.
2. “board” means Construction Board of Appeals.
3. “building official” means the officer designated by the town, who is charged with the administration and enforcement of town’s adopted building codes and ordinances and their related programs.
4. “code enforcement” means administering a building inspection department, enforcement or rendering interpretation of the building, residential, fire, electrical, mechanical, fuel gas, energy, existing building, swimming pool, and property maintenance code so adopted by the town, performing plan review, or performing inspections on one or more building systems for new construction, or renovation, as or under the supervision of the building official.
5. “codes” means the editions of the International Codes adopted by the Town and defined in Chapter 3 of the Municipal Code for the Town of Kiawah Island.

### **Public Notice**

All Construction Board of Appeal’s meeting and or hearing shall be posted 48 hours prior to such meeting being conducted on the Town’s website.

### **Appeal Procedures**

Any person or organization aggrieved by the decision of the Town’s Building Department shall appeal in writing within thirty days following the date of the action upon which the appeal is based, the request shall contain:

- (a) the name and address of appellant; and
- (b) the names and address of all other persons involved; and
- (c) a summary of the action from which the appeal is taken, to include naming of the code and sections that are prudent to the claim; and
- (d) the ground of disagreement with the action from which the appeal is taken; and
- (e) a statement that the appellant desires a hearing or decision based on written arguments and documents submitted; and
- (f) the signature of the appellant or responsible officer if the appellant is an organization; and
- (g) additional documents as the appellant may consider pertinent.

### **Call for Hearing**

Once all documents have been properly filed with the Town of Kiawah, the Construction Board of Appeals shall call for hearing to be heard within 30 days of such submittal. The Town Clerk shall provide written notification to the appellant and all persons indicated on the request: date, time, and place of the requested hearing. The Town Clerk shall notify all parties in the form of certificated mail addressed to each appellant.

## **Ruling**

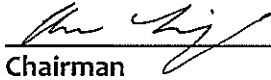
A quorum of board members must be established in order to conduct all requested hearings. A majority vote of the members present shall constitute a ruling. All rulings provided by the board are final, and appellant acquiesce is mandated there upon. A record of the meeting, stating the board's ruling and reasons thereof, shall be maintained for public review in the Town Clerk's Office and or the Town's library of records.

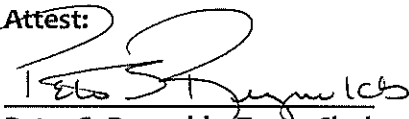
## **Notification of Ruling**

The board ruling and reasons thereof shall be provided by the Town Clerk to all affected parties within 10 days of the final ruling by the board.

## **Adoption**

These rules were adopted by a vote of a majority of the members of the Commission at a regular public meeting on February 17, 2022.

  
Chairman

Attest:  
  
Petra S. Reynolds, Town Clerk

2/17/22  
Date





**TAB 8**

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# **TOWN COUNCIL**

## **Agenda Item**

# 2023

## ENVIRONMENTAL COMMITTEE

*Committee members are appointed by the Mayor and Town Council  
to serve one-year terms. All terms expire on January 31<sup>st</sup>.*

**Jim Jordan - TOKI - Chairman**

4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455  
(843) 768-9166  
[jjordan@kiawahisland.org](mailto:jjordan@kiawahisland.org)

**Jim Chitwood**

49 River Marsh Lane  
Kiawah Island, SC 29455  
(843) 768-0838  
[jlchitwood04@yahoo.com](mailto:jlchitwood04@yahoo.com)

**Lynne Sager**

582 Oyster Rake Road  
Kiawah Island, SC 29455  
(843) 768-4865  
[lynnesager@me.com](mailto:lynnesager@me.com)

**Jane Ellis**

261 Sea Marsh Drive  
Kiawah Island, SC 29455  
(864) 378-1004  
[jellis@presby.edu](mailto:jellis@presby.edu)

**Pam Wilson**

1 Grey Wigeon Lane  
Kiawah Island, SC 29455  
(610) 324-5574  
[Pamwilson813@gmail.com](mailto:Pamwilson813@gmail.com)

**John (Jack) Kotz**

31 Greensward Rd.  
Kiawah Island, SC 29455  
(843) 768-3239  
[johnkotz@me.com](mailto:johnkotz@me.com)

**Lee Bundrick, KINHC**

80 Kestrel Court  
Kiawah Island, SC 29455  
(843) 768 2029  
[lee@kiawahconservancy.org](mailto:lee@kiawahconservancy.org)

**Matt Hill - KICA Lakes Management**

23 Beachwalker Drive  
Kiawah Island, SC 29455  
(843) 768-2315  
[matt.hill@kica.us](mailto:matt.hill@kica.us)

**Tommy Manuel - ARB**

130 Gardeners Circle, Suite 123  
Johns Island, SC 29455  
(843) 768-3419  
[Amole@kiawah.com](mailto:Amole@kiawah.com)

**Liz King - KIGR**

1 Sanctuary Drive  
Kiawah Island, SC 29455  
(843) 768-6001  
[liz\\_king@kiawahresort.com](mailto:liz_king@kiawahresort.com)

**Aaron Given - TOKI**

4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455  
(843) 768-9166  
[agiven@kiawahisland.org](mailto:agiven@kiawahisland.org)

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**Michael Heidingsfelder, Council Liaison**

4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455  
(843) 768-9166  
[mheidingsfelder@kiawahisland.org](mailto:mheidingsfelder@kiawahisland.org)

# Environmental Committee

The Environmental Committee's primary objectives are to study and report on environmental issues, serve as an advocate for the protection of wildlife and their habitat, provide and/or support educational programs to increase public awareness of the Kiawah's natural environment, and make recommendations as appropriate to Town Council.

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## MEETING TIMES

**Bi-monthly, every 2nd Tuesday at 2:00 pm, beginning in February**

# The Town of Kiawah Island

## Environmental Committee Charter

- I. The Town Council established the Kiawah Island Environmental Committee on January 14, 2003. Its function is to proactively manage and advise on a broad array of environmental issues including those of the Wildlife Committee, which it replaced.
- II. The Committee shall be constituted with not less than six nor more than eighteen members. The Environmental Services Wildlife Biologist will Chair the Committee. A member of Town Council with oversight responsibility for environmental concerns shall serve as Liaison. Other members shall include Kiawah property owners and representatives from Kiawah Island organizations with interests in environmental issues.
- III. The members shall be approved by the Mayor and Town Council.
- IV. Terms for the Committee members shall be for one year and expire annually on January 31. The Mayor and Town Council may reappoint Committee members for successive terms as approved.
- V. The Committee will perform the following functions:
  - a. Study and report on environmental issues, as may be referred by Town staff, Town Council, or self-generated.
  - b. Serve as an advocate for the protection of island wildlife and their habitat, including, but not limited to: birds, fish, reptiles, amphibians, plants, trees, and invertebrates.
  - c. Provide and/or support educational programs aiming to increase public awareness of Kiawah's natural environment and wildlife.
  - d. Support efforts to maintain a healthy island ecosystem, including beach, ponds, marsh, dunes, and maritime forest.
  - e. Support efforts to control invasive species on Kiawah Island.
  - f. Support ocean, river, and pond water quality monitoring efforts.
  - g. Make recommendations to Town Council on ways to improve the quality of environmental services, the cost effectiveness of such services and whether contractors or town staff should perform such services.
  - h. Request, review, and selectively approve applications for funding of natural resource and environmental initiatives. Approved initiatives will be presented to Town Council for funding approval.
- VI. The Environmental Committee shall coordinate its efforts, as appropriate, with the activities of County, State, and Federal Agencies and with other organizations sharing a similar purpose.

- VII.** The Environmental Committee may solicit the assistance of others to assist committee members in carrying out the committee activities.
- VIII.** Committee meetings shall be noticed and open to the public as is required by State Law. In addition to committee members, other invited guests and special consultants may participate from time to time.
- IX.** The Committee will be responsible to the Town Council and has no authority to spend funds or supervise staff except as approved by Town Council. Annually, the Committee will develop a budget for review/approval by the Ways and Means Committee and final approval of the Town Council. The Committee Liaison shall report to Town Council at regularly scheduled Town Council meetings.



**TAB 9**

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# **TOWN COUNCIL**

## **Agenda Item**

# 2023

## Planning Commission

*The Commission is composed of 7 members appointed by the Mayor and Town Council. Appointments are for four-year terms*

**William (Bill) Dowdy (2025)**

87 Bufflehead Drive  
Kiawah Island, SC 29455  
(843) 641-0160  
Email: [Dowdy.bill@yahoo.com](mailto:Dowdy.bill@yahoo.com)

**Andrew J. Capelli (2025)**

160 Governor's Drive  
Kiawah Island, SC 29455  
(843) 768-9113  
Fax: (843) 768-0399  
Email: [acapelli35@hotmail.com](mailto:acapelli35@hotmail.com)

**\*Dr. Ronald Curran (2024)**

40 Salt Cedar Lane  
Kiawah Island, SC 29455  
(843) 805-4438  
Email: [rdcurran@yahoo.com](mailto:rdcurran@yahoo.com)

**\*E. Luke Ferrell (2027)**

101 Goldeneye Drive  
Kiawah Island, SC 29455  
(843) 834-7072  
Email: [Lef917@gmail.com](mailto:Lef917@gmail.com)

**Joanne K. Hennessy (2024)**

12 Blue Heron Pond Road  
Kiawah Island, SC 29455  
(847) 732-4051  
Email: [hennj@aol.com](mailto:hennj@aol.com)

**Larry Iwan (2026)**

35 Salt Cedar Lane  
Kiawah Island, SC 29455  
(843) 768-6626  
Email: [plinyiwan@msn.com](mailto:plinyiwan@msn.com)

**\*Madeleine Kaye (2027)**

252 Sea Marsh Drive  
Kiawah Island, SC 29455  
(843) 670-6801  
Email: [applevalley54@yahoo.com](mailto:applevalley54@yahoo.com)

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**John Taylor, Planning Director**

Town of Kiawah Island  
4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455  
Phone: 768-9166  
Email: [jtaylor@kiawahisland.org](mailto:jtaylor@kiawahisland.org)

**Michael Heidingsfelder, Council Liaison**

4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455  
(843) 768-9166  
Email: [mheidingsfelder@kiawahisland.org](mailto:mheidingsfelder@kiawahisland.org)

**\*members to be appointed or re-appointed**



**MAYOR:**

John Labriola

**TOWN ADMINISTRATOR:**

Stephanie Monroe Tillerson

**TOWN ATTORNEY:**

Joseph Wilson

**TOWN OF**



**TOWN COUNCIL MEMBERS:**

John Moffitt

Bradley D. Belt

Michael Heidingsfelder

Russell A. Berner

## MEMORANDUM

**TO:** Mayor Labriola and Members of Town Council

**CC:** Stephanie Tillerson, Town Administrator  
Bill Dowdy, Planning Commission Vice Chair

**FROM:** John Taylor, Jr., Planning Director

**DATE:** February 7, 2023

**SUBJECT:** Planning Commission Appointments

The following persons have been recommended to be reappointed or appointed to the Planning Commission.

There is currently **one reappointment** to be made and **two vacancies** to be filled on the Planning Commission. Members of the Planning Commission serve four-year terms.

**Ms. Madeleine Kaye** is recommended to be reappointed to the Planning Commission. Ms. Kaye's term is set to expire in 2027.

**Mr. Luke Ferrell** is being recommended to be appointed to the Planning Commission. The vacancy fielded by Mr. Fred Peterson (Resigned January 2023 at expiration of term). Mr. Peterson's term expired 2023. Mr. Ferrell's term is set to expire in 2027.

**Dr. Ronald Curran** is being recommended to fill the existing term of Dr. Michael Heidingsfelder (Elected to Town Council November 2022). Dr. Heidingsfelder's term expires in 2024. Dr. Curran's term is set to expire in 2024.

- 1. REAPPOINTMENT | Ms. Madeline Kaye (Term set to expire 2027)**  
252 Sea Marsh Drive, Kiawah Island, SC 29455 | Ph. 843-670-6801  
[applevalley54@yahoo.com](mailto:applevalley54@yahoo.com)
- 2. APPOINTMENT | Mr. E. Luke Farrell (Term set to expire 2027)**  
101 Goldeneye Dr. Kiawah Island, SC 29455 | Ph. 843-834-7072  
[Lef917@gmail.com](mailto:Lef917@gmail.com)
- 3. APPOINTMENT | Dr. Ronald Curran (Term set to expire 2024)**  
40 Salt Cedar Lane, Kiawah Island, SC 29455 | Ph. 843-805-4438  
[rdcurran@yahoo.com](mailto:rdcurran@yahoo.com)

# CURRICULUM VITAE

RONALD DENNIS CURRAN

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|                         |   |
|-------------------------|---|
| <b>HOME ADDRESS</b>     | 40 Salt Cedar Lane<br>Kiawah Island, South Carolina 29455<br>Phone (847) 687-1448   |
| <b>BUSINESS ADDRESS</b> | Hilton Head Hospital<br>25 Hospital Center Blvd<br>Hilton Head Island, S.C. 29926   |
| <b>MARITAL STATUS</b>   | Married July 1981<br>Wife: Nancy Jean<br><br>Children: Erin Elizabeth, born 9/6/85<br>Bryan Christopher, born 1/28/88<br>Sean Patrick, born 8/12/89<br>Brett Ferguson, born 2/19/93<br>Matthew Ian, born 8/20/95              |
| <b>EDUCATION</b>        |   |
| College                 | DePauw University<br>Greencastle, Indiana<br>Graduated May 1980, Cum Laude, BA Degree<br>Majors in Chemistry and Zoology  |
| Medical                 | Rush University<br>Chicago, Illinois<br>M.D. 1984   |
| Internship              | University of Minnesota Hospitals and Clinics<br>Minneapolis, Minnesota<br>General Surgery July 1984 - July 1985  |
| Residency               | University of Minnesota Hospitals and Clinics<br>Minneapolis, Minnesota<br>General Surgery July 1985 - November 1987<br><br>University of Pittsburgh<br>Pittsburgh, Pennsylvania<br>General Surgery November 1987 - June 1992 |
| Fellowship              | Northwestern University Medical School<br>Chicago, Illinois<br>Cardiovascular and Thoracic Surgery June 1992 - June 1996  |

**ACADEMIC POSITION**

1996-2007      Assistant Professor of Surgery  
Northwestern University Medical School  
Chicago, Illinois

**EMPLOYMENT HISTORY**

Oct. 2022 to present      Hilton Head Hospital (Locurns)  
25 Hospital Center Blvd  
Hilton Head Island S.C. 29926

June 2021 to present      Riverside Medical Center (Part-Time)  
Heart and Vascular Institute  
500 North Wall Street, Suite CI00  
Kankakee, Illinois

Nov. 2019-July 2021      BroMenn Medical Center (Part-Time)  
Heart Institute  
1302 Franklin Ave. Suite 4500  
Normal, Illinois

Feb. 2018-Oct. 2019      Cardiothoracic & Vascular Surgical Associates  
4400 W. 95<sup>th</sup> Street, Suite 205  
Oak Lawn, Illinois 60453

Oct. 2007 - Feb. 2018      Swedish Covenant Medical Group  
5140 N. California Ave.  
Chicago, Illinois 60625

June 1996 - Oct. 2007      Evanston Northwestern Healthcare Medical Group  
2650 Ridge Ave.  
Evanston, Illinois 60201

**HOSPITAL POSITIONS**

1996-2007      Attending Physician  
Evanston Northwestern Healthcare Medical Group  
Evanston, Glenbrook, and Highland Park Hospitals

1999- Oct. 2019      Attending Physician  
Swedish Covenant Hospital  
Chicago, Illinois

2007 - Oct. 2019      Medical Director  
Cardiovascular & Thoracic Institute  
Swedish Covenant Hospital

## **E. Luke Farrell**

101 Goldeneye Dr. Kiawah Island, SC 29455 • (843) 834-7072 • [Lef917@gmail.com](mailto:Lef917@gmail.com)

Senior executive of a global investment firm with global management responsibilities. Team leader of 12 Investment Directors responsible for managing assets and client relationships for global institutions, companies and individuals. Over 25 years of experience managing client assets, determining portfolio construction and analyzing global economies and investment valuations. Strengths in developing long term strategies, managing investment valuations, leading project and brands management efforts and in developing the long term vision and philosophy for expansion and business growth. Also, a background in managing and running chemical plants and construction projects as the managing or lead engineer.

### **PROFESSIONAL EXPERIENCE**

#### **Capital Group, Inc**

*Senior VP and Investment Director*

**Los Angeles, CA**

October 2004 – February 2022

- Led team of 12 Investment Directors in providing guidance and support for all bond investment strategies for a global client base and approximately \$500 Bil in assets
  - Developed long-term strategy, rationale and strategic vision for investment process and client investments.
  - Worked together with portfolio managers, analysts and sales to develop rationale and materials to justify and communicate our investment strategies.
  - Developed a high performing team with a culture for mutual support, a common respect for each other and a shared goal and vision for success.
  - Managed a team of high-performing investment specialists with goals for:
    1. superior investment collaboration
    2. prioritization and valuation of multiple options
    3. the ability to evaluate both physical cost and perception of value.
  - Team efforts led to business growth of over 15% each of the last 5 years, and a significant increase in client satisfaction and market share.
  - Lead presenter during Board meetings on financial markets, inflation and economic growth, investment results, and client satisfaction ratings.

#### **JPMorgan, Inc.**

*Portfolio Manager, Bond Trader and research analyst*

**New York, NY**

1993 – September 2004

- Invested client assets in bond portfolios for 35 clients and \$14 Bil in assets
- Routine communication with clients on their strategies, financial markets and investment results
- Determined valuations and traded US Treasury bonds, US Corporate bonds, and real estate related securities
- Performed fundamental research and fair valuation determination for US Corporate bonds and REITs

#### **Hercules, Inc. / Johnson Matthey, INC.**

*Operations Manager / Plant Manager*

**Hopewell, Va / West Depford, NJ**

1981 – 1992

- Plant manager for a refinery managing both operating and project budgets and prioritization
- Evaluation of engineering and construction projects for strategic fit, feasibility and costs
- Leadership role in managing operations, budgeting and personnel for large chemical plants

## EDUCATION

**University of Virginia**, Charlottesville, VA

*Bachelor of Science in Chemical Engineering*

May 1980

- Professional Engineer (EIT), West Virginia

### **Skillset for Planning Commission role**

- Managing a team and process for strategic planning and project evaluation
- Experienced in leadership on the Manhattan Beach (CA) Field Space Commission to evaluate options for improvement projects on town and school athletic space
- Experienced presenter to large and small groups of executives, investors and the general public
- Experience building solutions and consensus while balancing needs and constraints of various stakeholders
- Experience as a licensed fiduciary – effectively managing other peoples' money

# Planning Commission

The Planning Commission's primary objectives are to approve plats and make recommendations to the Town Council on planned development, zoning district and map amendments, zoning text amendments, and comprehensive plan updates. Members serve a four-year term.

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## MEETING TIMES

**Monthly, every 1st Wednesday at 3:00pm**

## Town of Kiawah Island

# Planning Commission Charter

**Planning Commission:** The Planning Commission meets monthly to approve plats and make recommendations to the Town Council on planned development, zoning district, map amendments, text amendments, and comprehensive plan updates. Members, who are citizens of Kiawah Island, are appointed by the Mayor and Town Council. Members of this group serve for four (4) year terms.

**SECTION 6-29-330.** Areas of jurisdiction; agreement for county planning commission to act as municipal planning commission.

(A) A municipality may exercise the powers granted under the provisions of this chapter in the total area within its corporate limits. A county may exercise the powers granted under the provisions of this chapter in the total unincorporated area or specific parts of the unincorporated area. Unincorporated areas of the county or counties adjacent to incorporated municipalities may be added to and included in the area under municipal jurisdiction for the purposes of this chapter provided that the municipality and county councils involved adopt ordinances establishing the boundaries of the additional areas, the limitations of the authority to be exercised by the municipality, and representation on the boards and commissions provided under this chapter. The agreement must be formally approved and executed by the municipal council and the county councils involved.

(B) The governing body of a municipality may designate by ordinance the county planning commission as the official planning commission of the municipality. In the event of the designation, and acceptance by the county, the county planning commission may exercise the powers and duties as provided in this chapter for municipal planning commissions as are specified in the agreement reached by the governing authorities. The agreement must specify the procedures for the exercise of powers granted in the chapter and shall address the issue of equitable representation of the municipality and the county on the boards and commissions authorized by this chapter. This agreement must be formally stated in appropriate ordinances by the governing authorities involved.

**SECTION 6-29-340.** Functions, powers, and duties of local planning commissions.

(A) It is the function and duty of the local planning commission, when created by an ordinance passed by the municipal council or the county council, or both, to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The local planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its members and employees, in the



performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.

(B) In the discharge of its responsibilities, the local planning commission has the power and duty to:

(1) prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter; and

(2) prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area:

(a) zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;

(b) regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;

(c) an official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it, as set forth in this chapter;

(d) a landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;

(e) a capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and

(f) policies or procedures to facilitate implementation of planning elements.

#### **SECTION 6-29-350. Membership; terms of office; compensation; qualifications.**

(A) A local planning commission serving not more than two political jurisdictions may not have less than five nor more than twelve members. A local planning commission serving three or more political jurisdictions shall have a membership not greater than four times the number of jurisdictions it serves. In the case of a joint city-county planning commission the membership must be proportional to the population inside and outside the corporate limits of municipalities.

(B) No member of a planning commission may hold an elected public office in the municipality or county from which appointed. Members of the commission first to serve must be appointed for staggered terms as described in the agreement of organization and shall serve until their successors are appointed and qualified. The compensation of the members, if any, must be determined by the governing authority or authorities creating the commission. A vacancy in the membership of a planning commission must be filled for the unexpired term in the same manner as the original appointment. The governing authority or authorities creating the commission may remove any member of the commission for cause.

(C) In the appointment of planning commission members the appointing authority shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the jurisdiction.

# **Town of Kiawah Island**

## **Planning Commission Rules of Procedure**

### **PREAMBLE**

#### **Principles of Serving and Standards of Integrity**

Members of the Planning Commission should adhere to the following values when serving in the public interest:

- Remember that their role is first and foremost to serve the community;
- Be at all times truthful with my colleagues, the public and others;
- Avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interest;
- Do not accept any gifts or other special considerations because of my public position;
- Do not knowingly use false, inaccurate, or biased information in support of my position;
- Do not use their public positions for personal gain; and
- Carefully consider any promises made and keep them.

### **Article I – Organization**

**Section 1 Rules** – These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the Town of Kiawah Island Planning Commission

**Section 2 Membership** – The Commission is composed of 7 members appointed by Town Council, the Governing Body. Appointments are for four years duration, staggered in time so as to provide continuity.

**Section 3 Officers** – The officers of the Commission shall be a chairman and vice-chairman elected for one-year terms at the first meeting of the Commission in each calendar year. The Town Clerk will serve as the secretary for the Commission.

**Section 4 Chairman** – The chairman shall be a voting member of the Commission and shall:

- a) Call meetings of the Commission;
- b) Preside at meetings and hearings;
- c) Act as spokesperson for the Commission;
- d) Sign documents for the Commission;
- e) Transmit reports and recommendations to Council; and
- f) Perform other duties approved by the Commission.

**Section 5 Vice-Chairman** – The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

**Section 6 Secretary** – The secretary shall:

- a) Provide the notice of meetings;
- b) Assist the chairman in preparation of agendas;
- c) Keep minutes of meetings and hearings;
- d) Maintain Commission records as public records;
- e) Attend to Commission correspondence;
- f) Perform other duties normally carried out by a secretary;
- g) Maintain a record of Commission members' attendance at meetings of the Commission; and
- h) Give or serve all notices required by statute or ordinances or by these Rules and Procedures or as directed by the Commission.

**Section 7 Staff** – Town of Kiawah Island Planning Department staff shall:

- a) Provide technical assistance to the Commission, where necessary, to conduct the business and fulfill the responsibilities of the Commission.
- b) Prepare analyses and recommendations for zoning, conditional use, and subdivision applications and other matters of business for consideration of the Commission.
- c) Provide members of the Commission with copies and updates of regulations, ordinances, rules, plans, and policies which govern or should be considered in the performance of their duties.
- d) Provide members of the Commission with publications and notices of seminars, presentations, and instructions on matters which may expand members' knowledge and understanding in areas that would promote the mission of the Planning Commission.
- e) Provide members of the Commission with copies of applications with support information, plats and maps, and staff analyses and recommendations.
  - 1. Regular meeting information is to be mailed or emailed to each member of the Commission five (5) days prior to the scheduled Commission meeting.
  - 2. Special meeting information shall be presented to each member of the Commission for review at least twenty-four (24) hours prior to the scheduled Commission meeting.
- f) Mail notices to applicants on all zoning and Comprehensive Plan amendments and subdivision applications including a copy of staff's analyses and recommendations. This notice shall be mailed at least five (5) days prior to the scheduled Commission meeting. Notices and reports may also be emailed or picked up by applicants at the Planning Department office and, in these cases, would not be required to be mailed.
- g) Mail notices to property owners within 300 feet of subject property on all zoning change applications.

## **Article II – Meetings**

**Section 1 Time and Place** –

- a) An annual schedule of regular meetings shall be adopted, published, and posted at the designated Town office in December of each year.



- b) The Planning Commission will meet regularly on the first Wednesday, following the regular Town Council Meeting of each month at the Town of Kiawah Island Municipal Center, 4475 Betsy Kerrison Parkway, Kiawah Island, SC at 3:00 PM in the Council Chambers.
- c) Special meetings may be called by the chairman upon 24 hours' notice, posted, and delivered to all members and local news media. Meetings shall be held at the place stated in the notices and shall be open to the public.

**Section 2 Agenda** – The chairman shall set the agenda for all meetings of the Commission. A written agenda shall be furnished by the secretary to each member of the Commission and the news media and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting.

**Section 3 Quorum** – A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting, except for workshops where business and studies may be conducted without a quorum.

**Section 4 Rules of Order** – Robert's Rules of Order, newly revised (currently in 12th ed.), shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

**Section 5 Voting** – A member must be present to vote. A member attending virtually via video conferencing, teleconferencing, or web conferencing is considered present. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason of disqualification and refrain from deliberating or voting on the question. On a tie vote, the motion is lost, and in the case of a subdivision or zoning matter, the application is disapproved.

**Section 6 Conduct** – Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission chairman.

**Section 7 Executive Sessions** – It is a violation of the Town's Code of Ordinances for a member of the Planning Commission or person in attendance to disclose to another person or make public any matter discussed in executive session. If the Commission enters executive session during a meeting, a member attending virtually shall adhere to executive session privileges, ensure that no other person can hear the executive session, and shall acknowledge upon request that there are no other persons present or able to hear the executive session. Failure to protect the privileged discussions of an executive session can result in the member's removal from the Commission.

### **Article III – Public Hearings**

**Section 1 Notice** – The secretary shall give the notice required by statute or ordinance for all public hearings conducted by the Commission. Members of the public desiring to



be heard shall give written notice to the secretary prior to commencement of the hearing.

**Section 2 Procedure** – In matters brought before the Commission for public hearing which were initiated by an applicant, the applicant, his agent, or attorney shall be heard first, members of the public next, and staff next. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the Commission chairman. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission chairman shall determine.

#### **Article IV – Records**

**Section 1 Minutes** – The secretary shall record all meetings and hearings of the Commission. Recordings shall be preserved for a period of two years according to the South Carolina General Records Retention Schedules for Municipal Records; Sub article 4, Section 12-604.1. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

**Section 2 Reports** – The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports, and forms shall be maintained as public records.

**Section 3 Attendance** – Commissioners are expected to attend each meeting. Should a commissioner be unable to attend, the secretary shall be notified.

#### **Article V – Review Procedure**

**Section 1 Zoning Amendments** – Per adopted ordinance.

**Section 2 Plats** – Per adopted ordinance.

**Section 3 Comprehensive Plan** – Per adopted ordinance.

**Section 4 Reconsideration** – The Commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the results of the review.

#### **Article VI – Finances**

**Section 1 Budget** – The Commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include, when applicable, an explanation and justification for proposed expenditures.