

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

TOWN COUNCIL MEETING

Municipal Center Council Chambers

March 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 Town Council Workshop of February 7, 2023 [Tab 1]
 - B. Minutes of the Town Council Meeting of February 7, 2023 [Tab 2]
- V. Updates:**
 - A. Mayor
 - B. Council Members
 - C. Administrator
- VI. Citizens' Comments (Agenda Items Only):**
- VII. Old Business:**
 - A. Status Report from Town Council Retreat February 2-3, 2023 - Work Plan Status Update (All)
 - B. Discussion on a new Town Council communication initiative (Moffitt & Heidingsfelder)
- VIII. New Business:**
 - A. The MUSC Health Sea Islands Medical Pavilion Update. **Presenter, Patrick J. Cawley, MD, CEO, MUSC Health and Executive Vice President for Health Affairs, University**
 - B. The Andell West Update. **Presenter, Chris Corrada, Principal, Riverstone Properties**
 - C. Information on House Bill 3734, Section 5-15-50 (B), the Time for Municipal General Elections must be Established on Odd-Numbered Years. **Presenter, Isaac Cramer, Executive Director, Charleston County Board of Elections and Voter Registration.**
 - D. To Consider Approval of \$75,000 to the Kiawah Island Natural Habitat Conservancy Towards the Purchase of Properties Located at 4434 (TMI 2040000005) & 4438 (TMI 2040000328) Betsy Kerrison Parkway [Tab 3]
 - E. To Consider Approval of **Ordinance 2023 – 02** - An Ordinance To Amend Chapter 12 – Land Use Planning And Zoning - Article II. – Zoning - Division 5. General Procedural Requirements. Section 12.156. – Public Hearing Procedures. **Public Hearing and First Reading** [Tab 4]
 - F. To Consider Approval of the Proposal from Mauldin and Jenkins for Audit Services [Tab 5]
 - G. Discuss All Possible Options to Improve and Enhance Vehicular and Pedestrian Circulation at the Main Gate, Including the Kiawah Island Parkway/Beachwalker Drive Intersection and Contiguous Land, Main Sales Office/Site, and the Upper Beachwalker Parcels
- IX. Council Member Comments:**
- X. Citizens' Comments:**
- XI. Adjournment:**



TAB 1

TOWN COUNCIL

Agenda Item

TOWN COUNCIL WORKSHOP

Municipal Center Council Chambers

February 7, 2023, 12:30 PM

Minutes

I. Call to Order:

II. Roll Call:

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

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

III. Citizens' Comments (Agenda Items Only): None

IV. New Business:

A. To Complete the Discussion from the February 3rd Town Council Retreat on the Town's Communication Plan

Councilmember Heidingsfelder began the discussion by indicating that at the Council Retreat, there was agreement that there was a gap to fill regarding the communication expectations of the community. There has been an improvement in the Town's communications over the past twelve months. Still, he felt that improvement was needed in providing information in a timelier manner or when the Town receives information and that the information is more detailed and comprehensive. He felt that the current information on the website should also be reviewed as the conversion to the new website begins, and the need for a discussion of how Council Members could more actively communicate with the community beyond regular meetings.

Councilmember Heidingsfelder reviewed his recommendations:

- Offering open communication sessions or Town Hall meetings where Council Members are available to respond to community questions, concerns, input, suggestions, recommendations, and criticism.
- Continuation of the podcast platform.
- The Town is being more proactive in communications.
- Doing communications in conjunction and collaboration with other island entities.
- Discussion of if more specificity is required in communications with different interest groups.
- Including island concerns in communications
- Focus on the core subscribers to the Town newsletter.
- Discussion and agreement on participation on other island communication platforms such as iKiawah.

Councilmembers engaged in an in-depth discussion of responding to posts made on iKiawah in which topics are uncivil or inaccurate statements must be corrected to inform the community properly. Discussion included personally responding to topics, responses requiring an official Town position as to what constitutes facts, opinions, or statements of policy, and the process of the dissemination of substantive information expressing a point of view or position.

Mayor Labriola indicated that the Town has a series of mechanisms in which it communicated and posed questions on if those mechanisms were sufficient, if they should be critically evaluated, or if the Town should entertain designing a mechanism around how and what type of information the community wants to receive. He noted that the answers are the policy issues that the Council should address.

Mr. Wilson pointed out that Council Members can freely comment on social media but indicated the importance of iterating that they are not speaking on behalf of the Town. Once someone starts speaking on behalf of the Town, they become subject to FOIA retention requirements.

Councilmember Heidingsfelder agreed to clarification of personal responses on social media and hoped that a process could be developed where mistakes or wrong information posts are conveyed to the Communications Manager or the Town Administrator, and the Town quickly responds or posts a link to the correct information on the Town website.

Councilmembers further discussed Councilmember Belt's comments on Town Hall meetings, Town eBlasts, and newsletters, a mechanism for open discussions or communicating more directly with community members on personal views or opinions, and more interaction with engaged community members during Town Council meetings.

In response to the numerous concerns with the Development Resources page on the Town's website, Councilmember Heidingsfelder suggested that a workgroup evaluate the current content of the page and identify those items which may require additional review along with reviewing the control process for the issuing of communications on the website or eBlast posting and make improvement recommendations. Council Members further discussed the communication opportunities and the recommendations made by Councilmember Heidingsfelder, with Councilmember Belt and Ms. Tillerson agreeing to work on the review of the Development Resources page.

Councilmember Heidingsfelder discussed his recommendations for more proactive communications, ensuring the department heads raise relevant communication topics as soon as possible, and agreeing on making a clear strategic recommendation to Ms. Tillerson. He also discussed the creation of an additional communication platform in the form of Town Hall meetings, developing concepts for discussion and approval consideration at the next Town Council meeting. Mayor Pro Tem Moffitt and Councilmember Heidingsfelder agreed to work on the meeting concepts.

V. Citizens' Comments:

None

VI. Adjournment:

Councilmember Belt made a motion to adjourn the meeting at 1:40 pm. The motion was seconded and was unanimously passed.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

John D. Labriola, Mayor

Date

DRAFT



TAB 2

TOWN COUNCIL

Agenda Item

TOWN COUNCIL MEETING

Municipal Center Council Chambers

February 7, 2023; 2:00 pm

Minutes

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

II. **Pledge of Allegiance**

III. **Roll Call:**

Present at Meeting:

John D. Labriola, Mayor
John Moffitt, Councilmember
Russell Berner, Councilmember
Brad Belt, Councilmember
Michael Heidingsfelder, Councilmember

Also Present:

Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney
Craig Harris, Director of Public Safety
Michael Sosnowski, Barrier Island Ocean Rescue
Rob Edgerton, Barrier Island Ocean Rescue

IV. **Approval of Minutes:**

A. Minutes of the Special Call Town Council Meeting of December 21, 2022

Councilmember Berner made a motion to approve the minutes of the Special Call Town Council Meeting of December 21, 2022. Mayor Pro Tem Moffitt seconded the motion.

Councilmember Belt stated he appreciated the accurate and very extensive minutes. He stated that grammatical errors were noted in both sets of minutes and would be given to the Town Clerk following the meeting.

After the discussion, the motion was unanimously approved.

B. Minutes of the Town Council Meeting of January 10, 2023

Councilmember Berner made a motion to approve the minutes of the Town Council Meeting of January 10, 2023. Councilmember Belt seconded the motion, and it was unanimously approved.

V. **Updates:**

A. Mayor

Mayor Labriola stated that Council held a Planning Retreat on February 2nd, 3rd, and prior to this Town Council meeting. He thanked Council Members for their time and engagement, noting that the sessions were constructive and productive. To consider the Retreat successful, the agreement was made to identify all relevant issues and to establish assignments, responsibilities, timelines, and expectations, both of which he felt had been accomplished.

Mayor Labriola stated that over a dozen major topics were identified, discussed, and assigned to members of Council, Ms. Tillerson, and Town Staff, with the expectation that a work plan or next steps would be brought back to Council. The minutes of the meetings will take longer due to the amount of discussion during the Retreat.

B. Council Members

Mayor Pro Tem Moffitt stated that the initial list of fifteen items identified at the Retreat had been combined into eleven and categorized into two groups. The group that is operational in nature is the responsibility of the staff. Of the group of more strategic items, one was assigned to each Council Member and may be longer view items. He noted that reports would be given on the progress of each of the items.

Mayor Pro Tem Moffitt pointed out the outstanding front-page story in the Post & Courier about Aaron Givens, Town Biologist, and his bird banding project.

Councilmember Belt commended the other members on what he found to be extraordinarily constructive meetings characterized as a strategic planning retreat and commended the few residents and homeowners who attended the meetings. He felt the opportunity to engage with community members and residents was helpful and constructive.

Councilmember Belt commented on an issue raised following the Board of Zoning Appeals meeting. He noted that many community members were interested in a “No Wake Zone” in the Kiawah River and pointed out a letter sent by the Town to the Department of Natural Resources (DNR) supporting the Low Country Marine Mammals Network’s efforts to make Captain Sam’s Inlet a “No Wake Zone.” At the Retreat, there was a discussion of identifying opportunities to engage the community more to build networks of relationships more broadly. He felt this might be an opportunity for the Town to work with the Town of Seabrook, the most affected HOAs, and the Low Country Marine Mammals Network collectively to reach out to legislators and the DNR oversight committee chairs for their support in potentially pursuing the issue in the future.

Councilmember Heidingsfelder indicated that he was also pleased with the focused and forward-looking discussions at the Retreat. He noted the long list of tasks that need to be tackled and the commitment to report on the items in every Town Council meeting.

Councilmember Berner, liaison to the BZA (Board of Zoning Appeals), reported that at the last meeting, the Board rejected the zoning variance for moving the existing dock at Mingo Point further into the Kiawah River.

Councilmember Berner, liaison to the Public Safety Committee, stated that a project he would be supporting is to have an emergency call station installed at each of the public boardwalks.

Councilmember Berner, liaison to the Johns Island Task Force, reviewed some of the ongoing projects on Johns Island.

- Installation of a flyover at Savannah Highway and Main Road.
- Trident Medical Center is looking at building a new facility on Maybank Highway.
- MUSC Medical Center project on Seabrook is stalled until an additional access point is secured.
- The Putt-Putt project is looking into purchasing land on Maybank Highway.
- Future Development
 - Owners of property behind the CVS at the intersection of Maybank Highway and River Road are looking at joining seven individual parcels to build another living community.
 - Development of property behind the Food Lion at the intersection of Maybank Highway and River Road in addition to current construction along Maybank Highway.

C. Administrator

Ms. Tillerson stated that the Town had been receiving many more requests for fireworks at weddings, with two requests pending. Town ordinance currently states that approval is left up to the discretion of the Town on a case-by-case basis. Fireworks displays have been allowed in the past for various entities, but the community has raised concerns about the number of fireworks displays outside the ones on the Fourth of July and New Year's. The Public Safety Committee will discuss the policy at their next meeting and recommend if an amendment to the ordinance is required.

Further discussion included clarification that residential fireworks are not allowed within the Town of Kiawah, approval criteria include that experienced professionals conduct the display along with written approval from the Town and the St. Johns Fire District, no fireworks are allowed on the beach during turtle season and the suggested option of creating a policy outlining criteria rather than rewriting the ordinance.

Ms. Tillerson, responding to the many complaints on the Town's website, stated that the Town is aware that the website is not functioning properly. Despite several delays, work continues on the new website to ensure it functions properly and contains the correct information. Roll out of the new website is expected in April. A message will be placed on the current website stating that a new website is forthcoming. Any questions or difficulties finding information can be sent to the Town, and the information will be sent out directly.

Ms. Tillerson reminded everyone that the Council Retreat held last week can be viewed on the Town's YouTube channel and encouraged those not signed up for the Town's eBlast to do so.

Ms. Tillerson reported on the updates received in the Senior staff meeting.

- Building Department - the Town received the building drawings for the Seafield project in December, but the review process has not begun because payment has not been received for the permit.
- Wildlife Department – Town Biologists will be culling deer again this year and have received 80 tags. Bobcat numbers are increasing, and the deer population is decreasing.

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

Maura McIlvain – 146 Bly Heron Pond Road

Ms. McIlvain, attending parts of both days of the Retreat, indicated it was an impressive and encouraging opportunity compared to last year's Retreat, which was shorter and directed at fewer issues. She encouraged those who could not participate to watch it.

Roger Warren – President of the Kiawah Island Gold Resort

Mr. Warren spoke to the discussion of fireworks. Council amending its policy to limit fireworks to New Year's and the Fourth of July would allow Resort staff to deny a request for fireworks at weddings because the community does not allow them. of July

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***

Mr. Taylor stated that the Town's Comprehensive Marsh Management Plan was reviewed by the Planning Commission in December 2022 and recommended for approval. At the January Town

Council meeting, the first reading was approved with the understanding that staff revisits the structure of the proposed Kiawah Island Inter-Entity Executive Committee to clarify the function and operation of the proposed Committee.

Mr. Taylor stated that the recommendation presented is that a workgroup is formalized as part of the adoption process to allow the implementation phase to get started with the workgroup putting together a work plan. The Marsh Management Plan Workgroup would consist of representatives from the entities already part of the plan with goals and priorities focused on implementation. The workgroup may be able to bring in any partner that they see value in adding towards implementation.

Mr. Taylor stated that the workgroup would not have any final decision-making authority. Recommendations from the workgroup would be reviewed and follow the approval process to Town Council or other organizational Boards.

Mayor Pro Tem Moffitt clarified if the new language addresses the concerns raised by Mr. Capelli. Mr. Taylor stated that the Town could lead by formalizing the workgroup, identifying the players, and scheduling the meetings.

Council Members engaged in an in-depth discussion of Mr. Taylor's recommendation of establishing a workgroup and the structure of the workgroup membership.

Councilmember Berner made a motion to approve the second and final 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, and it was unanimously approved.

VIII. New Business:

A. To Consider Approval of the Off-Duty Deputy Contract with the Charleston County Sheriff's Office

Ms. Tillerson stated that the Off-Duty Deputy Contract with the Charleston County Sheriff's Office (CCSO) was recommended for approval by the Ways and Means Committee. The Committee was concerned about deputies coming to the island and working simultaneously for the Town and the Community Association. Working with the Town Attorney, additional language was added to Paragraph 6 in the contract.

Council Members discussed the issue of the Town not receiving crime statics from CCSO, the language in the contract that requires the statics are provided on a monthly basis, the amount budgeted for the coverage, and the suggestion that the word Kiawah be deleted in the language added in Paragraph 6.

Councilmember Heidingsfelder made a motion to approve the 2023 Off-Duty Deputy Contract with the Charleston County Sheriff's Office. Councilmember Berner seconded the motion, and it was unanimously approved.

B. To Consider Approval of the Code Enforcement Proposal from Barrier Island Ocean Rescue

Mr. Harris stated that the Barrier Island Ocean Rescue (BIOR) proposal for Code Enforcement services was presented at the Ways and Means Committee meeting. The Committee selected Option 1 of the proposal and requested that BIOR provide the Council with a more detailed explanation of the cost increase.

Mr. Sosnowski stated that the Ways and Means Committee requested an accounting of the cost increase in whole dollars rather than just in percentage, pointing out there had not been an increase in price since the inception of the current contract in 2020, and the intent was not changing the cost prior to the end of the term of the proposed contract.

Mr. Sosnowski reviewed the six largest increases:

- \$41,229.00 increase in payroll expenses
- \$24,000.00 increase in vehicle costs, which includes fuel
- \$15,000.00 increase in training costs
- \$13,000.00 expense for retention, advertisement, and promotion to hire staff
- \$12,000.00 increase in insurance costs
- \$10,000.00 increase in technology and supply costs

Mr. Sosnowski noted that the approximately \$115,000.00 in increases since 2020 are more than the proposed increase.

Council Members discussed the cost increases and benchmarks used for wages. They were also given an overview of the services provided by BIOR as Beach Patrol and Code Enforcement, the extensive training undertaken by the employees, and contact information for BIOR.

Mayor Pro Tem Moffitt made a motion to approve the Code Enforcement Proposal from Barrier Island Ocean Rescue. Councilmember Berner seconded the motion, and it was unanimously approved.

C. 2023 Committee Appointments

Councilmember Belt indicated that when posing the question of whether the Town has a conflict-of-interest policy concerning service on any Town commission or committee, the response was that there was no policy.

Ms. Tillerson clarified that there was no conflict-of-interest policy for the council-appointed officials, and as a municipality, they would fall under the South Carolina ethics. Councilmember Belt asked for clarity as to whether all appointments are subject to this state ethics law requirements and whether it would make sense to have an explicit conflict of interest policy for Council as well as Commission Members. Ms. Tillerson offered to research the question with Mr. Wilson and bring back the results to Council for discussion.

Council Members discussed a conflict-of-interest policy, including the lack of a conflict-of-interest question on the appointment application form, a member disclosing a conflict of interest then recusing themselves, and a conflict of interest precluding appointment to a quasi-judicial commission or Board. There was also an in-depth discussion of the process by which the candidates recommended for appointment were selected, the suggestion that a more formal criteria and selection process be implemented, and the option of imposing term limits.

- Board of Zoning Appeals

Councilmember Berner made a motion to re-appoint Frank Cassidy to the Board of Zoning Appeals. Mayor Pro Tem Moffitt seconded the motion. Mayor Labriola requested a roll call vote:

Mayor Labriola	yes
Mayor Pro Tem Moffitt	yes
Councilmember Belt	abstained
Councilmember Berner	yes
Councilmember Heidingsfelder	yes

Mayor Pro Tem Moffitt made a motion to appoint Phillip Adams to the Board of Zoning Appeals. Councilmember Heidingsfelder seconded the motion.

Councilmember Berner stated that after a conversation with Mr. Adams, a potential conflict of interest was discovered but not independently verified. He would support Mr. Adam's appointment, but as the liaison to the BZA, he would make sure that Mr. Adams recuses or abstains from any votes that may be a conflict. Ms. Tillerson advised that the decision would fall to Mr. Adams.

Mayor Labriola requested a roll call vote:

Mayor Labriola	yes
Mayor Pro Tem Moffitt	yes
Councilmember Belt	abstained
Councilmember Berner	yes
Councilmember Heidingsfelder	no

Councilmember Berner made a motion to re-appoint Lin O'Leary to the Board of Zoning Appeals. Mayor Pro Tem Moffitt seconded the motion. Mayor Labriola requested a roll call vote:

Mayor Labriola	yes
Mayor Pro Tem Moffitt	yes
Councilmember Belt	yes
Councilmember Berner	yes
Councilmember Heidingsfelder	yes

- Construction Board of Appeals

Councilmember Heidingsfelder made a motion to appoint Andrew Lingle, Maurice Managan, Stephen Sager, Marshall Beverly, Kevin Haddigan, and Noel Kade to the 2023 Construction Board of Appeals. Councilmember Berner seconded the motion. Mayor Labriola requested a roll call vote:

Mayor Labriola	yes
Mayor Pro Tem Moffitt	yes
Councilmember Belt	yes
Councilmember Berner	yes
Councilmember Heidingsfelder	yes

- Environmental Committee

Councilmember Heidingsfelder made a motion to re-appoint Jim Jordan, Jim Chitwood, Lynne Sager, Jane Ellis, Pam Wilson, John Kotz, Lee Bundrick, Matt Hill, Tommy Manuel, Liz King, and Aaron Given to the 2023 Environmental Committee. Councilmember Belt seconded the motion.

Mayor Pro Tem Moffitt stated that Mr. Kotz was a resident of Bishop Gadsden and asked if that disqualified him from serving on the Environmental Committee. Councilmember Heidingsfelder indicated that it does not. The Environmental Committee Charter states that non-residents can be appointed if they have a certain qualification.

Mayor Labriola requested a roll call vote:

Mayor Labriola	yes
Mayor Pro Tem Moffitt	yes
Councilmember Belt	yes
Councilmember Berner	yes
Councilmember Heidingsfelder	yes

- Planning Commission

Councilmember Berner made a motion to appoint Ronald Curran to the Planning Commission. Councilmember Heidingsfelder seconded the motion. Mayor Labriola requested a roll call vote:

Mayor Labriola	yes
Mayor Pro Tem Moffitt	yes
Councilmember Belt	abstained
Councilmember Berner	yes
Councilmember Heidingsfelder	no

Councilmember Berner made a motion to appoint Luke Farrell to the Planning Commission. Mayor Pro Tem Moffitt seconded the motion.

Councilmember Berner disclosed that Mr. Farrell is his brother-in-law, so he investigated whether he should recuse or abstain from voting. Investigating Roberts Rules of Order, Mr. Wilson and South Carolina Ethics Commission stated that he would have to abstain if it was an economic interest to him, and there is none.

Mayor Labriola requested a roll call vote:

Mayor Labriola	yes
Mayor Pro Tem Moffitt	yes
Councilmember Belt	yes
Councilmember Berner	yes
Councilmember Heidingsfelder	yes

Councilmember Heidingsfelder made a motion to re-appoint Madeleine Kaye to the Planning Commission. Councilmember Berner seconded the motion. Mayor Labriola requested a roll call vote:

Mayor Labriola	yes
Mayor Pro Tem Moffitt	yes
Councilmember Belt	yes
Councilmember Berner	yes
Councilmember Heidingsfelder	yes

IX. Council Member Comments:

Councilmember Belt stated that as the liaison to the Charleston Visitors Bureau (CVB), he attended their Strategic Planning Retreat. He noted that the Town is a substantial funder of the CVB in the amount of \$706,825.00, their third largest contributor after the City of Charleston and the Isle of Palms. The money comes from SATAX revenues the Town received and must be spent on tourism-related expenditures within two years. One of the conversations with CVB included questions about what the residents of Kiawah get for that funding. In addition to promoting Kiawah, the Resort, and greater Charleston, he suggested doing communications to inform residents of the visitor-related opportunities and promotions that would directly benefit the residents of Kiawah.

X. Citizens' Comments:

Alex Fernandez – 418 Snowy Egret

Mr. Fernandez commented on the discussion of conflict of interest. He stated that the Kiawah Island Community Association (KICA) falls under more flexible ethical requirements than the Council and the reason KICA decided to implement a more stringent conflict-of-interest policy. The

policy requires any member of a board, committee, or task force to declare a conflict of interest in a form in advance so that other members are aware of the conflict. If a vote or a situation comes up when this conflict may arise, the conflict would be discussed, and the decision made on if the member is eligible to vote or should abstain.

Brad McIlvain – 146 Blue Heron Pond Road

Mr. McIlvain indicated that state law establishes a floor about what conflicts are, and it is the financial interest in the context of a homeowner's association, but he didn't know whether it was the same with a municipality. In the newly revised draft of the KICA bylaws, that has been expanded to where if a conflict impacts a member's ability to exercise their fiduciary duty or where there's something that would make it appear that a member may not be able to exercise their fiduciary duty without influence, then they must recuse themselves. He encouraged the Town to research the statutes to see if there's a similar opportunity for the Town.

Andy Capelli – 160 Governors Drive

Mr. Capelli stated that the Planning Commission has very important principles regarding not only conflicts of interest but standards of integrity. He reviewed the preamble of the Planning Commission's Rules of Procedure:

- Remember that your 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 your public positions for personal gain;
- Carefully consider any promises made and keep them; and
- Always be prepared for meetings by having read and studied all the meeting materials provided.

Mr. Capelli stated that these standards would need to be adhered to by every commissioner at every meeting. If in violation, the Chairman has the right and a duty to remove that commissioner from service.

Lee Bundrick, Senior Ecological Conservation Coordinator for the Kiawah Conservancy

Mr. Bundrick commented on the Marsh Management Plan. He stated that over the past four years, the Conservancy has been looking into how it could help the Town put a plan into place after the Flood Mitigation and Sea Level Rise report by putting efforts into providing information to the Town and looking at some potential solutions. The Conservancy was happy to see that it has passed and approved the Marsh Management Plan and that it involves many of these organizations on the island that are also concerned about one of Kiawah's wonderful natural resources. The Conservancy is willing to collaborate with the Town in any way to help implement the Plan and hopes to continue the collaboration.

Mayor Labriola suggested that one of the Town's publications publish the Code of Ethics so that the community understands what members sign off on to the State, both in terms of the Code of Ethics and Economic Interests.

XI. Adjournment:

Councilmember Berner made a motion to adjourn the meeting at 3:54 pm. Councilmember Belt seconded the motion, and it was unanimously approved.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

John D. Labriola, Mayor

Date



TAB 3

TOWN COUNCIL

Agenda Item



Request for Town Council Action

TO: Mayor and Council Members

FROM: Stephanie Monroe Tillerson, AICP, Town Administrator

SUBJECT: Request from the Kiawah Conservancy in the amount of \$75,000 to participate in the protection and preservation of 5.63 acres located at 4434/4438 Betsy Kerrison Pkwy

DATE: March 7, 2023

BACKGROUND:

With the recent adoption of its 2030 strategic plan, the Kiawah Conservancy is expanding its conservation efforts into Johns Island by focusing on the Kiawah and Stone River watersheds.

The Conservancy submitted an application to the Charleston County Greenbelt Program for funding in the amount of \$359,700 to cover a significant portion of the purchase of two parcels on Johns Island along Betsy Kerrison Parkway – 4434 & 4438 Betsy Kerrison Parkway. The combined parcels were appraised at \$575,000. The subject properties are adjacent to land with pending preservation efforts, which would add to an area of contiguous preservation.

See the attached Application that the Kiawah Conservancy submitted to the Charleston County Greenbelt Programs Application for Funding. The breakdown of the requested amount is shown in detail under the Project Budget. The grand total for the project is \$629,200.

- \$359,700 Greenbelt Funds – pending approval
- \$269,500 Match Funds
 - Kiawah Conservancy (\$194,500)
 - Town of Kiawah Island (\$75,000) – pending approval

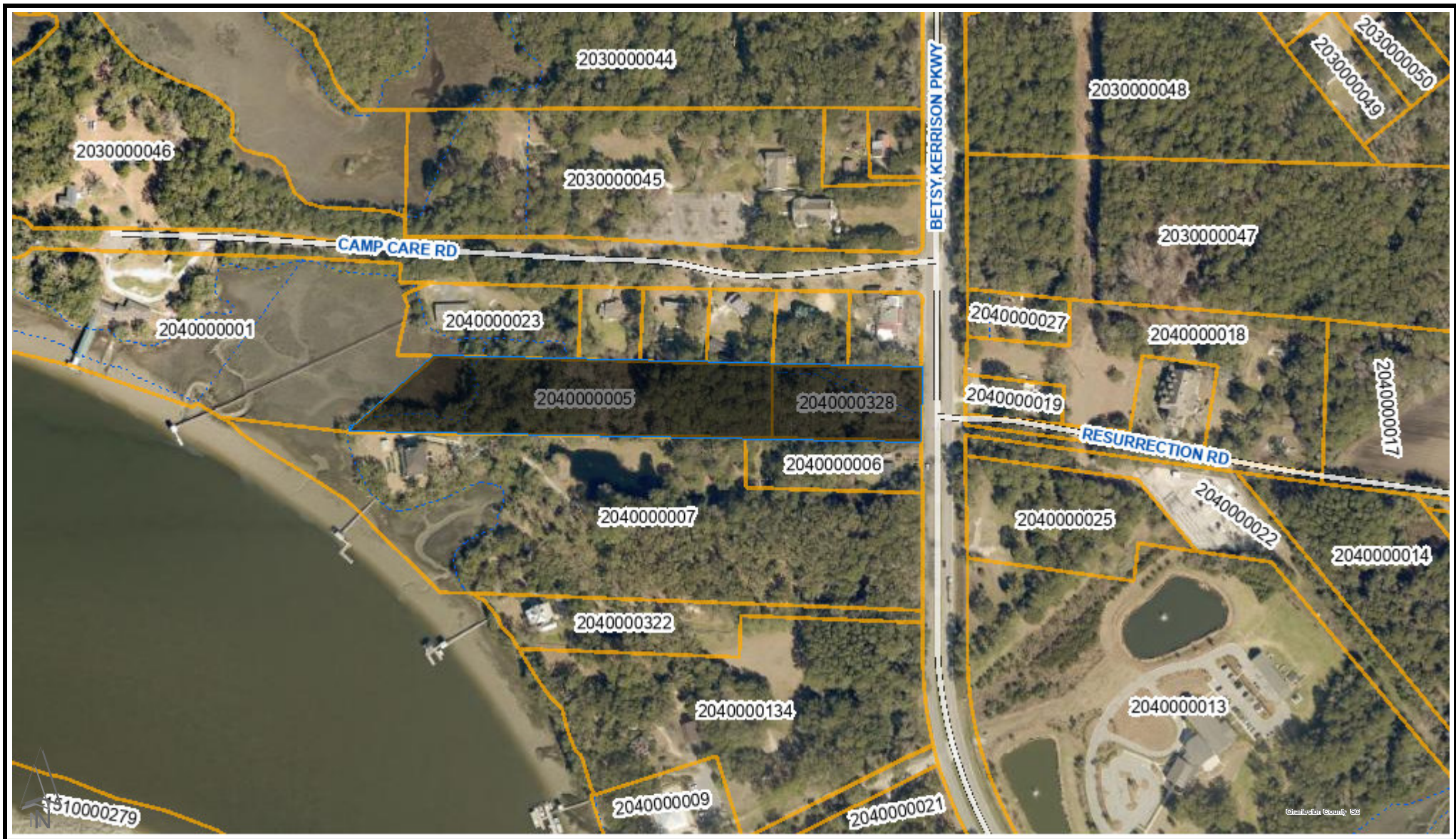
Kiawah Conservancy is offering \$550,000 to purchase both parcels. The committee will consider their application on March 8, 2023.

ACTION REQUESTED:

Town staff respectfully request that the Town Council members consider approval of the requested amount from the Kiawah Conservancy in the amount of \$75,000.

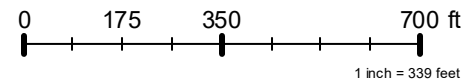
BUDGET & FINANCIAL DATA:

The amount is not budgeted in FY23; the funds will come from our General Operating account.



Charleston County SC

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Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

Author: Charleston County SC
Date: 2/13/2023



Charleston County Greenbelt Programs Application for funding

Application Deadline: Jan 30th @ 10:28:31 AM

For Office Use Only

Application #: _____

Date Received: Jan 27th @ 01:39:30 PM

Project Information

Are you applying for Rural or Urban funds?

☒ Rural

☐ Urban

Project or Park Name

Betsy Kerrison Nature Trail

Provide an overview of the project

With the recent adoption of our new strategic plan, the Kiawah Conservancy is expanding its conservation efforts into Johns Island. Our current focus for Johns Island is along Betsy Kerrison Parkway, Bohicket Road and the Southern end of River Road. We are prioritizing properties in this area based on their impact on the surrounding watershed, cultural significance, view-shed and community support. This project in particular is our stepping stone into Johns Island. The subject property is directly adjacent to lands with pending preservation efforts, which would therefore add to an area of contiguous preservation. The project also protects critical habitat for traveling wildlife and natural infrastructure in an area facing high development pressures. Finally, preserving this site would protect view-shed along the Parkway and ultimately help preserve the rural nature that defines Johns Island.

Total Greenbelt Funds Requested:

\$359,700.00

Total Acres

5.63

Applicant Information

Organization Name

Kiawah Island Natural Habitat Conservancy

Is the organization a non-profit?

☒ Yes

☐ No

All non-profits must include the following attachments.

2022 BOT and Staff Listrevised.pdf

Articles of Incorporation.pdf

Mailing Address

Street 1

80 Kestrel Court

Street 2

City

Kiawah Island

State

SC

Zip

29455

Authorized Agent

Name

Roland Hoffman

Title

Chairman

Phone

 (704) 576-0246

Email

 hoffman_roland@yahoo.com

Contact Person

Name

Colin Farah

Title

Land Preservation Specialist

Phone

 (843) 998-0635

Email

 collie@kiawahconservancy.org

Describe projects of similar size and scope that your organization has successfully completed in South Carolina.

Rabbit North: TMS# 207-00-00-033, 4.62 Acres, Fee-Simple Ownership

The was a collaborative conservation project between the Kiawah Conservancy, Kiawah Resort Associates, and Kiawah Island residents. This property was subject to residential development when the developer and landowner, Kiawah Resort Associates, gave the Conservancy the opportunity to purchase the property. Through community outreach, the Kiawah Conservancy was able to raise the sale price, 1 million dollars, to acquire the property. Similar to the Betsy Kerrison Nature Trail, Rabbit North consists of maritime forest adjacent to marshland and protects natural resources critical to the ecological health of Kiawah Island. Rabbit North also lies adjacent to a heavily traveled roadway and protects the scenic view coming on to Kiawah Island. Today, this property is maintained to its natural state for the use of local wildlife. Access is granted to people interested in viewing the property accompanied by Conservancy staff.

List the names of persons and/or entities who will participate financially in this transaction (e.g. realtors, brokers, anyone receiving a commission from sale). Provide their role in the transaction.

Kiawah Conservancy - Purchaser and Fund Source

Charleston County Greenbelt - Fund Source

Mason C. Heyward - Seller

Pam Harrington - Realtor - Pam Harrington Exclusives

Lenny Krawcheck - Closing Attorney - Krawcheck and Davidson, LLC

Property Information

For assistance with property information, please visit the [Charleston County website](#). Under the Online Services section, use the [GIS Parcel Viewer](#) or the [ROD Document Search](#)

Landowner's Name

Mason C. Heyward

Is the landowner an LLC, Limited Partnership, or any other entity?

☐ Yes

☒ No

Landowner's Mailing Address

Street 1

4429 Betsy Kerrison Parkway

Street 2

City

Johns Island

State

SC

Zip

29455

Property Address

(if property is not yet addressed list nearest cross streets in street fields)

Street 1

4434 Betsy Kerrison Parkway

Street 2

4438 Betsy Kerrison Parkway

City

Johns Island

State

SC

Zip

29455

Jurisdiction

Is the property located in unincorporated Charleston County?

☒ Yes

☐ No

Projects located within municipal limits inside of the Urban Growth Boundary require proof of an endorsement for the project from the relevant governing body, which the applicant will upload in the Attachments section of this application. Endorsement must acknowledge amount of funding requested by the applicant and the Parcel ID numbers for the subject property.

Number of parcels

2

Acreage Distribution - 5.63 total

Acres forested

4.938

Acres cleared / open

0

Acres wetlands

0.69

Charleston County Tax Map #(s)

204-00-00-005 & 204-00-00-328

Current zoning status

AGR

Assessor's Plat and Lot Numbers

L21-0358

Deed Book and Page Number

0898-767

Describe the current uses on the land

Vacant and a past dumping site for trash

Site Accessibility

Is the property accessible by a road?

☒ Yes

☐ No

Types of road

☐ Unimproved ☒ Improved

Improved road name(s)

Betsy Kerrison Parkway

Water Access

Does the property have access to water?

☐ Yes

☒ No

Acquisition Information

Type of Acquisition

☒ Fee Simple

☐ Conservation Easement (Purchase of Development Rights)

☐ Minor Improvements Only (See note below)

Note: Beach municipalities (Folly Beach, Isle of Palms, Kiawah Island, Seabrook Island and Sullivan's Island) may apply to use their greenbelt funds to place allowable minor improvements on property currently owned by the municipality. The improvements would be restricted to those allowed in the Comprehensive Greenbelt Plan: boardwalks, foot bridges, unpaved trails, unpaved roadways and unpaved small parking areas. The municipality must agree to place the land under the Greenbelt Program's covenants and restrictions.

Method of Payment (Choose One)

☐ Bargain Sale
(seller has committed to donating a portion of the appraised property value)

☒ Lump Sum Payment at Closing

☐ Reimbursement for Previously Purchased Land Property
(closing must have occurred within 12 months of application submission; no guarantee of approval)

☐ Reimbursement of Allowable Minor Improvements – only available to Beach communities

☐ Other

Fair Market Value

Note: Greenbelt funds may only be used to purchase interest in lands at or below fair market value pursuant to a certified appraisal. Providing a **FULL** appraisal is the preferred method of substantiating Fair Market Value. However, if an appraisal is not attached, an adequate substantiation of estimated Fair Market Value must be provided. A qualified and competent appraisal establishing fair market value and/or the value of the proposed easement will be required prior to closing. Date of the appraisal cannot be more than one year prior to the date County Council approves the greenbelt project unless otherwise approved by the County. Also, an appraisal may be required at any time during the review of the application. Not providing an appraisal may cause the project to be deferred to another funding cycle. The County reserves the right to order a separate appraisal on the subject property.

If available, attach the full appraisal (not just a summary) to the application

Do you plan on including an appraisal with your application?

☒ Yes

☐ No

Appraised fair market value

\$575,000.00

4434 Betsy Kerrison Parkway, Appraisal as of 12-02-2022, Report Dated 12-21-2022.pdf

Charleston County Greenbelt Program does not fund the value of existing structures. However, the applicant may fund the value of the structures and this amount will be considered applicant match. If the property contains structures, the appraisal must include separate values for land value and value of structures.

Does the land contain structures

☐ Yes

☒ No

If the property contains structures, the appraisal must include a separate raw land value and value for the structures.

Project Budget

Provide a project budget in the table below. Funds from the Greenbelt Program may be used for administrative costs and expenses customary and reasonable to the acquisition of property. Note Greenbelt funds cannot be used to pay for property taxes or deed stamps.

Allowable costs incurred by the applicant during the application process will not be reimbursed if the project is denied.

Land

The amount of land match will be the difference between the Greenbelt funds requested and either the purchase price or the appraised value (whichever is larger). Include all applicant contributions (including awarded grant funding, fund balance contribution, etc.) and/or landowner donation value (bargain sale amount) as land purchase match in this section.

Greenbelt Funds	Match	Total
\$345,000.00	\$230,000.00	\$575,000.00

Allowable Minor Improvements

Only the following minor improvements may be paid for with Greenbelt Funds – unpaved roadways, unpaved small parking areas, unpaved trails, boardwalks and footbridges.

Greenbelt Funds	Match	Total
\$9,500.00	\$8,000.00	\$17,500.00

Other Planned Improvements

Improvements that cannot be funded with Greenbelt funds such as sitework, buildings, restrooms, paving, lighting, etc. These improvements may be considered as match to the project. Proof of dedicated funding may be required.

Greenbelt Funds	Match	Total
0	\$26,500.00	\$26,500.00

Environmental Survey Assessment (ESA)

A Phase 1 ESA must be conducted on each greenbelt property prior to closing. The ESA does not need to be completed during the application process.

Greenbelt Funds	Match	Total
\$2,000.00	\$0.00	\$2,000.00

Appraisal

A full appraisal report less than one year old is required prior to closing and strongly encouraged to be included as part of the application and review process.

Greenbelt Funds	Match	Total
\$1,200.00	\$0.00	\$1,200.00

Survey / Plat

An approved, recorded plat or boundary survey indicating the subject parcel’s property lines is required prior to closing. Survey/Plat must show actual acreage and boundary lines of the property or portion of the property being funded with Greenbelt monies, unless otherwise approved by the County.

Greenbelt Funds	Match	Total
\$0.00	\$5,000.00	\$5,000.00

Closing Costs

Eligible costs include items such as reasonable attorney fees, recording fees, title search, etc. Greenbelt funds cannot pay for property taxes or deed stamps. Greenbelt always pays for its portion of title binder and title policy premium separate from the project budget. Do not include those costs here.

Greenbelt Funds	Match	Total
\$2,000.00	\$0.00	\$2,000.00

Other

Include the total of all other match sources not accounted for above, including any in-kind match, value of existing structures, etc. here. Applicant must detail all ‘Other’ expenses below.

Greenbelt Funds	Match	Total
0	0	\$0.00

Grand Totals

Greenbelt Funds	Match	Total
\$359,700.00	\$269,500.00	\$629,200.00

Match Details

Based on the information provided in the budget above, the match percentage is **75 %**.

Provide a breakdown of the Match being offered:

Applicant Amount

\$269,500.00

Landowner Donation Amount

\$25,000.00

Have you received any grants for this project?

☐ Yes

☒ No

Have any additional match?

☐ Yes

☒ No

Any In-Kind Match?

☐ Yes

☒ No

Did the applicant apply for other grants that were not funded?

☐ Yes

☒ No

Project Criteria

Each project will be reviewed using the following criteria and the associated score applied. **NOTE: Each item must include a description of how this project meets the particular elements of that criteria.**

1. Meets Greenbelt Definition (Choose the definition that most applies) - Max 8 points

A project may meet several definition categories but will only be assigned points for one category.



Passive Greenspace - 8 points

Trails, greenways, interpretive parks, and access points for water activities, such as fishing, crabbing, boating, etc.



Lowcountry natural resources - 7 points

Upland forests, swamps, bogs, brackish and freshwater wetlands, Carolina bays, marsh islands, and cypress, backwater, and saltwater marshes.



Natural infrastructure - 6 points

Floodplains, wildlife habitat, riparian zones, and lands critical to clean water.



Heritage landscapes - 5 points

Irreplaceable cultural and historical landscapes unique to the county.



Corridors - 4 points

Scenic roadways, abandoned rail lines, utility corridors, and scenic waterways.



Active Greenspace - 3 points

Play fields and parks with low environmental impact.



Reclaimed Greenspace - 2 points

Brownfields, abandoned sites, and other green infill projects.



Productive Landscapes - 1 point

Lands used for agriculture, silviculture, and mariculture.

Describe in detail the proposed uses for the property:

In large, this property will be left in its natural state for traveling wildlife and natural infrastructure. A nature trail will be constructed to educate visitors on the habitat within and will lead to a viewing bench or outdoor classroom seating overlooking the marsh adjacent to Bohicket Creek.

Explain in detail how the land's current characteristics meet one of Greenbelt definitions and/or how the proposed uses will meet the definition:

The project land best meets the Greenbelts definition of Passive Greenspace. The subject property contains a variety of forest types, including pine, evergreen oak and ruderal forests. High marsh and marsh edge can be found at the Western end of the property as it approaches Bohicket creek. An unpaved nature trail will connect from the existing sidewalk adjacent to Betsy Kerrison Parkway and will extend the length of the subject property to a viewing bench or outdoor classroom setting. Throughout the trail will be signage, educating visitors on the native vegetation.

If the project meets more than one definition, explain the reason for choosing your preferred definition

Given the different ecosystems within, the subject property does meet the Greenbelt definition of Lowcountry Natural Resources. The reason we instead chose Passive Greenspace is because there will be a nature trail that educates visitors on those natural resources.

2. Meets the Greenbelt Vision (Choose One) - Max 4 points

A project may meet several vision categories but will only be assigned points for one category.

- ☐ Greenspace for public waterway access and use (fishing, crabbing, canoeing and/or kayaking) – 4 points
- ☐ Linkage to a blue trail – 2 points
- ☒ **Trail/corridor connected to either a greenspace; trail/corridor; neighborhood; or retail/jobs center – 2 points**
- ☐ Greenspace connected to a trail/corridor; another greenspace; neighborhood; school; retail or jobs center – 2 points
- ☐ N/A

Provide specific details of how the project meets the Greenbelt Vision, including the name(s) of the waterway, greenspace, trail, neighborhood, retail, and/or school it will link to:

A path will be defined from the existing side walk along Betsy Kerrison through the property to a viewing bench and/or outdoor classroom overlooking the marsh along Bohicket Creek.

3. Meets Greenbelt System Components (Choose All that apply) - Max 6 points

Greenway Corridors - 1 point

- ☐ Regional connections for rural and urban residents, using a sustainable form of transportation: walking and biking. Greenways would be 50-foot wide corridors that connect existing and future greenspaces.

Urban Greenbelt Lands - 1 point

- ☐ Urban parks, cultural/historic sites, reclaimed greenspaces and water access lying within the County's Urban Growth Boundary. Conservation of greenspace to assist in offsetting the negative impacts of increased density.

Rural Greenbelt Lands - 1 point

- ☒ Rural parks, cultural/historic sites, productive lands, and water access lying outside the County's Urban Growth Boundary. Undeveloped lands used for timber production, wildlife habitat, recreation and commercial fishing, and limited agriculture. Also areas that encompass significant acreage of fresh, brackish, and saltwater tidal marshes as well as important habitat for nongame and endangered species.

Francis Marion National Forest - 1 point

- ☐ Lands lying within the proclamation boundary of the Francis Marion National Forest that will provide educational and recreational opportunities, including hunting, camping, biking and hiking and provide further conservation and protection of wildlife habitat within the unprotected areas of the Forest.

CCPRC Regional Parks - 1 point

- ☐ Lands purchased by the Charleston County Park and Recreation Commission for both passive and active greenspaces.

Lowcountry Wetlands - 1 point

- ☒ Wetland protection for critical areas throughout Charleston County, in both rural and urban landscapes. Can provide water-based activities but main benefits are enhanced water quality, and preventing disturbances to areas that provide critical floodwater storage and filtration.

Explain in detail how the project meets all of the components chosen

The undeveloped land falls outside the Urban Growth Boundary Line and is used by wildlife for traveling, resting and feeding. The habitat types within represent those used by several of our local endangered species such as the Bald Eagle, Eastern Diamond-backed Rattlesnake, Little Blue Heron and more. With this area containing and being directly adjacent to marshlands, this area is critical for mitigating stormwater runoff from nearby impervious surfaces by filtering runoff before entering the local waterways. Additionally, the property enhances the ability for stormwater to percolate into native soils and recharge the subsurface groundwater.

4. Addresses public access and use (Choose One) - Max 5 points

- ☐ Greenspace with full public access – 5 points
- ☒ Greenspace with partial public access (partial = land manager restricts days/hours of week) – 2 points
- ☐ Greenspace with limited public access (limited = access by landowner invitation at least once annually) – 1 point
- ☐ No public access – 0 points

Provide specific details of how the project addresses public access and use, including hunting, fishing, or other forms of outdoor recreation:

An unpaved trail will connect from the existing sidewalk along Betsy Kerrison Parkway to a viewing bench and or outdoor classroom setting at the Western end of the property. Signage will be included along the trail to educate visitors on the native vegetation and wildlife that can be seen in this area.

Provide an anticipated schedule of what days and hours the property/park will be open to the public.

The Nature Trail will be open to the public every day of the week with restricted hours from sunrise to sunset. Throughout most of the year, the trail will be open from sunrise to sunset. Trail closures will happen at least twice annually when we are performing vegetative and trail maintenance. Trail closure also might take place during the breeding season for bobcats (February - March)

Describe how property or portions of the property will be rented or leased for events such as weddings, family reunions, fund-raisers, sports events, farming/gardening, etc.

None

Describe the improvements planned for the property

☐ Unpaved small parking area

☐ Unpaved roads

☒ Unpaved trails

20,200

sqft

1,350

ft

☒ Boardwalks

60

sqft

20

ft

☒ Footbridges

30

sqft

10

ft

Any other improvements not listed here?

☒ Yes

☐ No

Other Improvements

Viewing Bench
Outdoor Classroom
Native Plant Signage
Trail Signage
Preserved Property Signage
Native Plantings
Irrigation
Outdoor lighting
Debris Removal
Professional Vegetative Maintenance
Trail Cameras
Gravel and Edging

5. Protection of wildlife habitat (Choose One) - Max 5 points

☒ Protects wildlife habitat of endangered or threatened species – 5 points

☐ Protects wildlife habitat of any species – 2 points

☐ No wildlife habitat protection – 0 points

List the specific species habitats to be protected:

Habitat Types: High marsh, marsh edge, hardwood forest

Endangered or Threatened Species: Great Blue Heron, Eastern Diamond-Backed Rattle Snake, Monarch Butterfly, Little Blue Heron, Bald Eagle, Red-headed Woodpecker, Grand Trees

Provide details of how preserving this land will protect those habitats. Include to what extent farming, forestry, timber management, or wildlife habitat management will be conducted on the land and the parties responsible for managing and maintaining the land:

This land will be left in its natural state to remain wildlife habitat forever. Annual maintenance will be conducted on the property to trim and clear vegetation for optimal vegetative health. Native plantings will be installed to help define the buffer between adjacent properties and irrigation will be installed to ensure their success.

6. Protection of Lowcountry Natural Resources and Natural Infrastructure (Choose ALL that apply) - Max 7 points

Upland forests – 1 point

- ☒ Occurs where drainage is sufficient so that soils do not become saturated for extended periods of time. They range from xeric (extremely dry) through mesic (moderate soil moisture) to wet-mesic (wet, but not flooded soil conditions)

Freshwater or forested wetlands - 1 point

- ☐ Emergent and forested freshwater (<0.5 ppt salt) wetlands dominated by herbaceous plants or trees, respectively, upstream from brackish marshes but where water level changes are still tidally influenced

Saltwater marsh, marsh and/or marsh islands – 1 point

- ☒ Intertidal emergent wetland dominated by grasses, forbs, and shrubs that are tolerant to salinity ranges from moderate to essentially that of sea water (18- to 30-ppt salt)

Riparian zones – 1 point

- ☐ The interface between land and a river or stream. Riparian is also the proper nomenclature for one of the fifteen terrestrial biomes of the earth. Plant habitats and communities along the river margins and banks are called riparian vegetation, characterized by hydrophilic plants

Floodpains - 1 point

- ☒ An area of land adjacent to a stream or river which stretches from the banks of its channel to the base of the enclosing valley walls, and which experiences flooding during periods of high discharge

Land critical to clean water – 1 point

- ☒ Land cover including forests, open spaces, bodies of water, agricultural cover (e.g. pastures, row crops), and impervious surfaces for watershed protection

Significant and/or grand trees – 1 point

- ☒ Such as Grand Live Oaks, Long Leaf Pine

Provide specific details for each of the natural resource/infrastructure categories protected and how preserving this land will protect these resources now and into the future:

The upland forest and understory will be managed to optimize its health through various management practices listed but not limited to; canopy trimming, dead limb removal, invasive species removal, hedging, competing vegetative maintenance and removal.

The low-lying areas and existing ditch will be cleared of debris to allow for water retention, movement and percolation into underlying soils.

Grand trees will receive appropriate attention to monitor their health and necessary actions will take place on their surrounding vegetation to ensure that the health of the grand trees is not being negatively impacted.

Signage will be posted to keep human traffic along the path and limit any negative impacts visitors could bring to the subject environment.

Groundwater well will be installed in the future to monitor subsurface groundwater to monitor the local hydrology, similar to the assessments conducted on Kiawah Island.

7. Historical and cultural features (Choose One) - Max 5 points

☐ Culturally significant land, or contains existing structures, remains of structures, earthworks, artifacts, etc. of historical significance – 5 points

☒ Documented historical event occurrence – 4 points

☐ Oral tradition of historical occurrence – 2 points

☐ No historical or cultural significance – 0 points

Provide specific details of the historic/cultural features of the land:

Haulover Cut, was an expansion carved out of the existing Haulover Creek to help facilitate trade between lower Johns Island, Wadmala Island, Charleston and Kiawah. Haulover Cut sits directly between Kiawah, Lower Johns Island and Seabrook. During the Civil War, In February of 1864, Union troops under General Alexander Schimmel Fennig attacked Confederate troops stationed at Haulover Cut. The overall objective was to stop Confederate troops from a larger action that Federal forces were planning in Florida. Ultimately, this would be named the Battle of Haulover Cut. During the battle, both Union and Confederate forces advanced and retreated down Bohicket Road (now Betsy Kerrison Parkway). Given the starting location of the battle and the paths of retreat and advancement, it is extremely likely that this Greenbelt Project is protecting land used within the battle of Haulover Cut. An article link is included below, and a map has been included in the attachments section of this application for reference.

<https://jicsc.org/index.php/battle-of-haulover-cut/>

Detail how preserving the land will ensure those historical and cultural features are preserved now and into future:

By preserving this land, we can ensure that no development will ever hide or change the land that once was a part of the Civil War.

If applicable, describe how the land will be used to educate others on its historical and/or cultural significance:

Signage describing the Battle of Haulover Cut could be placed on the property and show the movement between Union and Confederate soldiers.

8. Threat of Loss (Choose One) - Max 5 points

- ☒ Protects lands under threat of loss – 5 points
- ☐ Project poses unique opportunity not likely to present itself again – 2 points
- ☐ No threat of loss – 0 points

Provide specific details of how the project is currently under imminent threat of loss from development or other factors, or explain why the opportunity to protect this property will likely not exist in the future.

This property has been previously listed on the open market for sale and its current zoning would allow for residential use. There is the potential for another buyer to rezone the property for commercial use as it lies directly adjacent to a commercially zoned area. Over the past 2 years, several surrounding parcels including TMS#'s 2030000053, 2030000048, 2040000025, 2040000017, 2040000014, 2040000010 have been purchased by developers and/or been presented to the appropriate municipality for development.

Since the listing of this property on the open market, the seller has received bonafide offers and could likely be sold for some form of development if it is not preserved. This idea is further supported by the recent and ongoing increase of interest in property along Betsy Kerrison Parkway over the past year.

9. Consistent with Adopted Plans (Choose ALL that apply) - Max 5 points

☒ Greenbelt Plan – 2 points

☒ County/Municipal Comprehensive Land Use Plan – 1 point

☐ Regional Bike/Ped Plans – 1 point

☒ Other – 1 point

Describe the 'Other' adopted plan:

Kiawah Conservancy adopted its 2030 Strategic Plan in 2020 to define our operational direction for the next 10 years. In this plan, we describe several different directions for the organization in terms of preservation and stewardship of lands within the environs of Kiawah Island, restoration and enhancement of the ecosystem, research and monitoring for ecological health, communications and outreach, and relationships with our donors and greater community. In addition, it defined our new mission: "We measure, manage, improve, and advocate for the ecological health of Kiawah Island and its environs."

List all Plans addressed by the proposed project and what goals/purposes of each will be impacted:

In regard to the Greenbelt Plan, this project addresses the interest expressed by the public to the Greenbelt Advisory Board to protect Natural Resources and Passive Greenspace. Not only is this project area habitat for wildlife but serves as natural infrastructure for its surrounding community. This project would also serve as the first public walking trail off of Betsy Kerrison Parkway.

Within the Comprehensive Land Use Plan is the Land Use Element Goal that "Accommodates growth that respects the unique character of the county, " and "protects cultural and natural resources." Preservation of this land will protect both the unique character of rural Johns Island and natural resources needed for human and wildlife communities. Furthermore, preserving this land will help solidify the Urban Growth Boundary Line.

Provide name of 'Other' adopted plan and describe how the proposed project will address goals of that plan.

Kiawah Conservancy 2030 Strategic Plan

As part of the 2030 Strategic Plan are determined efforts to preserve and protect areas within the environs of Kiawah Island. The environs are further defined by the watersheds influencing the Kiawah River, which encapsulates Kiawah Island, Seabrook Island, and the southern portion of Johns Island. Much of Johns Island and Kiawah are connected through this watershed approach, acknowledging that the environmental impacts on Johns Island have a direct impact to other areas within the watershed. Also, it is important to know that traveling wildlife have no boundaries.

With this new plan, the Conservancy is expanding its preservation efforts into Johns Island through this watershed approach. By following the surrounding watershed, the Conservancy can prioritize conservation efforts around areas that directly influence the local hydrology. The Betsy Kerrison Nature Preserve protects critical land directly adjacent to Bohicket Creek. Preserving this land would help filter runoff before it enters the waterway. This land will also continue to provide traveling, resting, and feeding habitat for wildlife. Finally, protecting the ecological health of our environs goes beyond wildlife and also includes the local human community. Johns Island historically is a rural area and one of the few remaining areas in Charleston County with increased localized development that still has a strong agricultural and natural presence. By protecting this project area, we are protecting the rural nature that has defined Johns Island in perpetuity.

10. Project is ready for acquisition (Choose One) - Max 5 points

☒ Acquisition will take place within 6 months of approval – 5 points

☐ Acquisition will take place more than 6 months of approval - 2 points

Provide a projected timeline of acquisition of the land, including potential issues to be addressed before acquisition can occur:

The Conservancy had a scheduled closing date for the subject property on January 31th, 2023. A new closing agreement has been signed by the seller and the Conservancy to extend the closing date three to six months. This closing date is being pushed back due to recent findings from a preliminary title search during our due diligence phase. Closing will now take place when the property owner has secured clean title. The attorney representing Mr. Heyward, the seller, has indicated that clean title should be acquired no later than July of 2023.

The Conservancy Board has to vote for final approval before any land acquisition takes place and this property acquisition was approved at our December 13th Board meeting. All necessary closing due diligence, title search, appraisal, etc., will be completed by the closing date.

Provide a detailed explanation for acquisitions expected to take longer than 6 months from the date of approval:

N/A

11. Project is ready for public use (Choose One) - Max 3 points

- ☐ Property will be open to the public in less than 1 year – 3 points
- ☒ Property will be open to the public between 1 - 5 years – 2 points
- ☐ Property will be open to the public in more than 5 years – 1 point
- ☐ N/A

Provide a projected timeline for planned improvements including when you anticipate the property opening to public access.

The first step after closing is to have all the trash and debris removed from the property by a qualified contractor. In the first few months after closing, Conservancy staff and Board/Committee members will begin constructing a habitat management plan. This will include assessments from the Ecological Health Committee and Restoration and Enhancement Committee. Following the establishment of the plan, a professional landscaper will be contracted to perform vegetative maintenance throughout the property in accordance with the plan. This is to ensure the ecological health of the native vegetation and ensure safety of trail users. This will be followed by efforts to define the walking trail and the property boundary lines. Signage throughout the property will be implemented and native plantings will be installed. By the Spring of 2025, the trail will be fully functional with a viewing bench or outdoor other seating at the end. Once fully functional, the Conservancy will advertise the walking trail to the public through several outreach methods that will also include the hours of visitation.

If the development will occur in phases, give a completion date for each phase along with the final completion date and a detailed explanation if the public may enjoy any limited or partial uses of the land prior to being fully available:

Phase 1 - Construct Habitat Management Plan - Tentative Completion Date October 2023
Phase 2 - Vegetative Maintenance and Debris Removal - Tentative Completion Date early March 2024
Phase 3 - Trail Way and Buffer Construction - Tentative Completion Date September 2024
Phase 4 - Initial Advertisement and Public Outreach - Tentative Completion Date December 2024
Phase 5 - First Public Access - Tentative Completion Date April 2025 (around Earth Week)

For projects that will not be open to the public within 5 years after acquisition, provide a detailed explanation if the public may enjoy any limited or partial uses of the land prior to being fully available:

N/A

12. Funding and leveraging - Max 15 points

☐ Over 100% Match – 15 points

☒ 75% - 100% Match – 10 points

☐ 25% - 74% Match – 6 points

☐ 5% – 24% Match – 4 points

☐ Less than 5% Match – 0 points

13. Project Management (Choose ALL that apply) - Max 5 points

For fee simple and improvement projects, the applicant must demonstrate their expertise and financial resources to manage the land and the improvements for the purposes set forth in the application. For conservation easement projects, the applicant must demonstrate their expertise and financial resources to manage and enforce the restrictions placed upon the land for the purposes set forth in the application.

☒ Staff dedicated to land management, maintenance and deed restriction enforcement – 2 points

☒ Financial resources for land management - 2 points

☒ Staff experienced in financial management of land – 1 points

Provide the experience, credentials and expertise of the staff that will be managing the land, providing maintenance and/or enforcing the deed restrictions:

H. Colin Farah - Land Preservation Specialist - Graduated from Clemson University with B.S. in Environmental Science: Natural Resources Management ('19). He has over 15 years of experience in maintaining private agricultural lands and 2 years of professional experience in monitoring, stewardship, and enforcement of preserved lands of the Kiawah Conservancy.

M. Lee Bundrick, MS, MPA - Senior Ecological Health and Conservation Coordinator - Graduated from Clemson University with a B.S. in Horticulture ('15) and graduated from College of Charleston with an M.S. in Environmental and Sustainability Studies and a Master of Public Administration ('19). He has over 4 years of experience related to land stewardship, environmental research and monitoring, geospatial analysis, and restoration planning.

Provide information on how funding will be secured for the on-going management of the land and any planned developments:

Funding for ongoing management activities will be secured through private donations to the Conservancy. These funds are maintained in a dedicated account related to all stewardship activities for our portfolio of properties. Funding amount is determined by standards set by the Land Trust Accreditation Commission, as well as any additional funds determined by the Conservancy for annual monitoring and stewardship activities for individual properties. The account is continuously replenished to ensure there is proper funding for stewardship activities throughout the year.

Provide the experience, credentials and expertise of the staff that will be providing financial management of the land and any planned developments:

Donna Windham - Executive Director - Graduated from Mt. Vernon College - George Washington University with a B.A. in Public Affairs and a B.A. in Communication. She has over 33 years experience in non-profit management, fundraising, and budgeting.

Beverly Kline - Finance and Operations Administrator - Graduated from the University of South Carolina with a B.S. in Business Administration. She has been with the Conservancy since 2013 working primarily in the areas of non-profit financial management and accounting.

M. Lee Bundrick, MS, MPA - Senior Ecological Health and Conservation Coordinator - Graduated from Clemson University with a B.S. in Horticulture ('15) and graduated from College of Charleston with an M.S. in Environmental and Sustainability Studies and a Master of Public Administration ('19). In addition to contributions to ongoing stewardship and monitoring activities, he has also coordinated the land trust accreditation renewal and ensuring sufficient funding for stewardship and legal defense of properties.

14. Partnership and Coordination - Max 10 points

Provide a list of the partners involved in this project and indicate if they are financial or non-financial partners:

Charleston County Greenbelt - Financial Partner
Kiawah Conservancy - Financial Partner, Property Manager
Town of Kiawah Island - Possible Financial Partner

Describe the roles of the partners and the coordination among those involved in the project:

The Kiawah Conservancy would contribute a certain amount of funds to the property acquisition and would collaborate with Charleston County Greenbelt to ensure the public uses intended for the project are implemented and the trail is maintained so that the property is safe for visitors.

The Town of Kiawah Island has expressed their interest in supporting the Conservancy's conservation efforts by potentially contributing funds toward any property acquisitions we pursue and that are within close proximity of the Town. Given the location of the Betsy Kerrison Nature Trail, the Conservancy will continue discussions with the Town before closing to see if they will contribute any funds toward the project.

Describe how the work of the partnership addresses greenspace conservation as well as community issues regarding health, resiliency, mobility, and economic development:

This partnership would be a first between the Kiawah Conservancy and the Charleston County Greenbelt Program and would be the start of a relationship to continue conservation efforts throughout Johns Island. Furthermore, this partnership would be a collaborative effort to protect the rural nature of this area, critical land to defend against sea level rise and storm-water pollution, flooding, and help maintain the urban growth boundary line.

15. Return on Investment (Choose ALL that apply) - Max 6 points

☒ Provides recreation and/or tourism income – 1 point

☐ Provides economic benefit (such as timbering, farmland) – 1 point

☒ Provides public health benefit – 1 point

☒ Provides public services such as resiliency, natural infrastructure and resistance to flooding – 1 point

☒ Provides ecological services (such as purification of air and water; decomposition of wastes; soil and vegetation generation and renewal; pollination of crops and natural vegetation; groundwater recharge through wetlands; seed dispersal; greenhouse gas mitigation; and aesthetically pleasing landscapes) – 1 point

☐ Other (such as property will remain on the tax rolls) – 1 point

Give specific details on how this project provides a return on the investment:

Public Health Benefit - Recreational area for people to walk within nature and learn about our natural habitats and ecology within. The project also helps support the Urban Growth Boundary Line which will detour further development and traffic in this area. Furthermore, maintaining vegetative buffers between impervious surfaces and tidal wetlands will mitigate water quality issues by filtering contaminants.

Public Services - The property supports community resilience by maintaining natural area to mitigate stormwater runoff and recharging the subsurface groundwater. The property additionally provides protection to local thoroughfares (i.e., Betsy Kerrison Parkway) from natural hazards, such as hurricanes and flooding. Additional monitoring and research efforts on the property can also provide information for local decision-makers to implement best management practices within the community.

Ecological Services - The existing and new vegetation will continue to mitigate air and water quality issues through the sequestration of carbon, filtering of particulate matter, interception of contaminants in stormwater runoff, and recharge of groundwater. The lands current condition would maintain the view shed and scenic roadway of Betsy Kerrison Parkway. Finally, this project would protect critical wildlife habitat for traveling, feeding and resting.

Recreation and Tourism Income - Given the subject properties close proximity to nearby resort and recreational sites, the Betsy Kerrison Nature Trail should further support eco-tourism in this area. Being on the southern end of Betsy Kerrison, this Nature Trail should also help bridge a connection between tourists of Johns Island, Seabrook and Kiawah Island.

16. Level of Public Support (Choose all that apply) - Max 6 points

Is there any public support that you would like to document?

☒ Yes

☐ No

☒ Support Letters/Emails from public (Must be attached to application) – 3 points

☐ Results of Public Hearing (Must be attached to application) – 2 points

☒ Other – 1 point

Give specific details on the public support for the project. Describe any 'Other' support here to receive the point:

Residents along Betsy Kerrison have shown their support in favor of the project verbally and in writing. Some residents adjacent to the project are further providing support by pledging to pursue efforts with the Conservancy to preserve their land with the Kiawah Conservancy. The Town of Kiawah Island and the Johns Island Task Force have also expressed their support for the project.

17. Deed Restrictions - No Score

For conservation easement projects, please provide the draft terms of the easement, including subdivision limits, waterway buffers, road buffers, impervious surface limits, number of residences allowed, etc.

N/A

For fee simple projects, please provide any deed restrictions being proposed on the property including impervious surface limits, waterway and roadway buffers, restricted uses, etc.

A copy of our deed restrictions used for the majority of our properties has been attached in the Attachments section.

18. Additional Information – No Score

Use this space to provide any other information regarding the project:

N/A

Agreement

You are requesting \$359,700.00 in greenbelt funds.

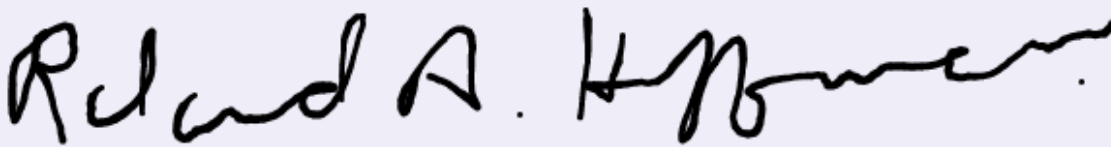
I, Roland Hoffman, the authorized agent, hereby certify to the best of my knowledge that this application is a true and accurate portrayal of the site proposed for acquisition as well as the proposed land uses and development under the Charleston County Greenbelt. I also understand that applications missing information or any of the attachments may be deemed incomplete and deferred until the next funding cycle.

☒ I agree to mail or deliver a physical copy of this application to:

Charleston County Greenbelt Programs
4045 Bridge View Drive
North Charleston, SC 29405

Use cursor or finger (if on touchscreen) to sign

Authorized Agent



Name

Roland Hoffman

Title

Chairman

Witness



Name

Colin Farah

Title

Land Preservation Specialist



TAB 4

TOWN COUNCIL

Agenda Item

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 and Members of Town Council

CC: Stephanie Tillerson, Town Administrator

FROM: John Taylor, Jr., Planning Manager

DATE: March 7, 2023

SUBJECT: Case #AZO23-000001 Proposed Text Amendment

Planning Staff is requesting approval of the proposed text amendment.

The Land Use Planning and Zoning Ordinance dictates a 300' radius personal notice to properties for public hearing procedures. Personal notice is a mailed letter to the property owner's address of record notifying them of the date, time, place and purpose of the hearing. The radius is measured from the exterior boundary of the property in question.

The recently approved amendments to the Planning Commission's Rules of Procedure suggested a 500' radius for zoning change applications. This proposed text amendment creates consistency for staff for all public hearing public notification procedures not only zoning change applications. **The proposed amendment increases this radius from 300' to 500'.**

Public hearing procedures of Sec. 12-156 are not only required for zoning change applications but also include applications heard by the Board of Zoning Appeals as variances, special exceptions and appeals.

Regarding notice procedures for a zoning amendment, State Law states that "If no established procedures exist, then at least fifteen days' notice of the time and place of the public hearing must be given in a newspaper of general circulation in the municipality or county. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. If the local government maintains a list of groups that have expressed an interest in being informed of zoning proceedings, notice of such meetings must be mailed to these groups."

The Town's current public hearing public notice requirements which exceed state law requirements include:

- Published Notice (P&C newspaper, Town's website);
- Posted Notice (Zoning sign posted on the property);
- Personal Notice (Properties within a 300' radius receive a mailed letter); and
- Parties in Interest (Direct email sent to list of interested parties and Town's Eblast)

Planning staff finds the proposed text amendment consistent with the approval criteria of zoning text amendments.

Recommendation by the Planning Commission:

On February 8, 2023, the Planning Commission recommended approval of the proposed zoning text amendment by a vote of 6 to 1.

As part of the recommended text amendment, the Planning Commission is requesting that further study of all the Town's public notification methods be evaluated.

Decision on amendment by the Town Council. After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications, or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment.

Approval criteria. Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- a. The proposed amendment is consistent with the purposes and intent of the adopted Town of Kiawah Island Comprehensive Plan;*
- b. The proposed amendment is consistent with the purposes and intent of this article;*
- c. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;*
- d. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.*

Please see attached supporting documents.

TOWN OF KIAWAH ISLAND

ORDINANCE 2023-02

**AN ORDINANCE TO AMEND CHAPTER 12 – LAND USE PLANNING AND ZONING -
ARTICLE II. – ZONING - DIVISION 5. GENERAL PROCEDURAL REQUIREMENTS. SECTION
12.156. – PUBLIC HEARING PROCEDURES.**

WHEREAS, the Town of Kiawah Island Municipal Code currently contains *Chapter 12 - Land Use Planning and Zoning*; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance, Sec. 12- 156. Public Hearing Procedures* to provide additional personal notice by increasing the notification radius for public hearings; and

WHEREAS, the text amendment would be consistent with the purposes and intent of the adopted Comprehensive Plan and would not be detrimental to the public health, safety, and welfare of the Town of Kiawah Island; and

WHEREAS, the Planning Commission held a meeting on February 8, 2023, at which time a presentation was made by staff, and an opportunity was given for the public to comment on the text amendment request; and

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

WHEREAS, Town Council held a Public Hearing on March 7, 2023, providing the public an opportunity to comment on the proposed amendment.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 **Purpose**

The purpose of this Ordinance is to amend Article II. – Zoning - Division 5. General Procedural Requirements. Section 12.156. – Public Hearing Procedures.

Section 2 **Ordinance**

The Town hereby amends Section 12-156. as shown in the attached “Exhibit A”:

Section 3 **Severability**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the

remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances

Section 4 **Effective Date and Duration**

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

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

John Labriola, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: March 7, 2023

Public Hearing:

2nd Reading:

“Exhibit A”

Sec. 12-156. Public hearing procedures.

The purpose and intent of this section is to set forth the procedures for a public hearing which provides the opportunity for an applicant and the public to comment on the application submitted for approval. The provisions of this section establish the procedures for a public hearing when required in connection with carrying out the provisions of this article. The following public hearing procedures shall be used by the Town Council, Planning Commission, and Board of Zoning Appeals:

- (1) *Setting of the public hearing.* When a public hearing is required by this article, a time shall be designated for the required public hearing, and notice of such hearing shall be prepared and made pursuant to the notice provisions contained within this article.
- (2) *Notice provisions.*
 - a. *Published notice.* Except as otherwise provided by State Law, in any instance in which a public hearing is required, a notice setting forth the date, time, place and purpose of such hearing, the name of the applicant, and identification of the subject property must be published once in a newspaper of general circulation in the Town, at least 15 calendar days before the date set for the hearing.
 - b. *Posted notice.* Notice of actions affecting specific properties shall be posted on the affected property or adjacent to the affected property 15 calendar days prior to the first hearing on the request. At least one posted notice shall be visible from each street that abuts the property.
 - c. *Personal notice.* Whenever personal notice of a public hearing is required by State Law, notice shall be sent by regular mail at least 15 calendar days before the public hearing to each owner of real property located within ~~300~~ 500 feet of the exterior boundary of the property in question, to any neighborhood organizations having an interest in the development application, and if the matter to be considered is an appeal, to all parties to the appeal, including other interested parties. Such notice shall state the date, time, place and purpose of the hearing. ~~Failure to provide this notice will not invalidate any action taken.~~
 - d. *Parties in interest.* When the provisions of this article require that notice be sent, the following parties in interest shall also be notified:
 1. The applicant;
 2. The owner of the property (if other than applicant); and
 3. Any individual, group or organization that has submitted a written statement of interest to the Town of Kiawah Island.

The Town has no responsibility for maintaining the names and addresses of these groups or other parties in interest.
 - e. *Costs of notice.* All actual costs incurred by the Town in preparing and publishing required notices shall be paid by the applicant prior to publication or mailing of such notice according to a schedule of fees established by the Town Council.
 - f. *Notification following decision.* Within ten working days of the date of a final decision on a development application, written notification of such action shall be mailed to the applicant except for actions by the Board of Zoning Appeals related to variances and special exceptions. These final decisions of the Board of Zoning Appeals shall be sent by certified mail to the applicant, stating the action taken and including all conditions imposed and times established for satisfaction of such conditions, if any. When the Planning Director denies the application, a

“Exhibit A”

written statement setting forth the reasons for the denial shall be included. A record of such notification shall be filed with the Planning Director.

- (3) *Examination of and copying of documents.* At any time upon reasonable request, any person may examine the pending development application and materials submitted in support of or in opposition to the development application. Copies of such materials shall be made available at a cost specified in a schedule of fees and charges adopted by resolution of the Town Council.
 - (4) *Conduct of hearing.*
 - a. Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state the person's name, address, and if appearing on behalf of an organization, state the name and mailing address of the organization for the record.
 - b. A landowner whose land is the subject of a proposed zoning amendment will be allowed to present oral or written comments to the Planning Commission.
 - c. The body conducting the hearing shall exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. Any person appearing as a witness may ask relevant questions of other persons appearing as witnesses, but shall do so only through the Chairperson of the body conducting the hearing at the Chairperson's discretion. The order of proceedings shall be as follows:
 1. The Planning Director or appropriate designees shall present a description of the proposed development application and a written or oral recommendation, if required. The recommendation shall address each factor required to be considered prior to approval of the development application. The written recommendation shall be made available to the applicant at least three working days prior to the hearing;
 2. The applicant shall present any information it deems appropriate;
 3. Public testimony shall be heard first in favor of the proposal, then in opposition to it;
 4. The Planning Director may respond to any statement made by the applicant or to any public comment; and
 5. The applicant may respond to any testimony or evidence presented by the staff or public.
 - (5) *Record of proceedings.*
 - a. The body conducting the hearing shall keep a record of the proceedings by any appropriate means and such record shall be available at the request of any person upon application to the secretary of the body conducting the hearing and payment of a fee set by the Town Council to cover the cost of transcription or duplication.
 - b. All records shall be public, open for inspection at reasonable times and upon reasonable notice.
 - (6) *Continuance of proceedings.* The body conducting the hearing may, on its own motion or at the request of any person, for good cause, continue the hearing to a fixed date, time and place within 30 working days. No additional notice shall be required if a hearing is continued. An applicant shall have the right to request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. All adjourned public hearings shall recommence only upon giving all notices which would have been required for the initial public hearing.
 - (7) *Additional rules.* Additional rules governing public hearings may be provided for by other provisions of this Code of Ordinances and may be applied as well, as long as they are not in conflict with this article.
-

“Exhibit A”

The body conducting the hearing may adopt rules of procedure to limit the number of applications for development approval which may be considered per meeting and the time for each presentation.

(Code 1993, § 12A-502; Ord. No. 94-12, § 2(12A-502), 9-26-1994; Ord. No. 2005-08, § 12A-502, 10-12-2005)

DRAFT



TAB 5

TOWN COUNCIL

Agenda Item



Request for Town Council Action

TO: Mayor and Members of Council

FROM: Dorota Szubert, Finance Director

SUBJECT: Auditing Services

DATE: 3/7/2023

BACKGROUND AND ANALYSIS:

In March 2019, the Town Council engaged Mauldin & Jenkin, LLC to provide auditing services for the Town. The four-year engagement ended with FY2022 audit. A new RFP for FY2023 audit with the option for annual renewal for next three years was sent out and advertised in January 2023. The Town received two bids from CPA firms: Mauldin & Jenkins, LLC and Greene, Finney, Cauley, LLP, which were reviewed and thoroughly vetted by the Audit Committee. To evaluate submitted proposals, the Committee members looked at the depth of the firm's governmental auditing experience, qualifications and experience of the proposed audit team assigned to the Town, firm size and organizational culture and the cost of service.

ACTION REQUESTED:

To accept the Ways and Means Committee recommendation to engage Mauldin and Jenkins, LLC to provide auditing services to the Town for the fiscal year ending June 30, 2023, with the option to renew for the three subsequent years through June 30, 2026.

BUDGET & FINANCIAL DATA:

The proposed cost is not to exceed:

FY2023-\$29,900

FY2024-\$30,900

FY2025-\$31,900

FY2026-\$32,900



MAULDIN & JENKINS

mjcpa.com

6600 Abercorn Street, Suite 200

Savannah, GA 31405

Town of Kiawah Island, South Carolina

Technical Proposal to Provide Audit Services
Fiscal Years June 30, 2023 through 2026

Mauldin & Jenkins Certified Public Accountants

Contact Person: David Irwin, CPA, Partner

Phone: (800) 277-0050

Email: dirwin@mjcpa.com

Going Further.

Attachment B

Town of Kiawah Island

Audit Proposal Summary Sheet

Name of the firm: Mauldin & Jenkins, LLC

Address: 6600 Abercorn Street
Suite 200
Savannah, Georgia 31405

Phone number: 800-277-0050

Contact person: David Irwin

Persons responsible for audit # years with the firm
 (Please include qualifications (i.e. Resumes) of those available and to be assigned)


Partner:	<u>David Irwin</u>	<u>19</u>
Manager:	<u>Kellan Shuford</u>	<u>9</u>
Senior:	<u>Taylor Couch</u>	<u>3</u>
Staff:	<u>Brenna Burke</u>	<u>2</u>

	Audit, W/Opinion Fee (Not to Exceed)	Single Audit (if applicable)
2023	<u>\$29,900</u>	<u>\$5,000</u>
2024	<u>\$30,900</u>	<u>\$5,000</u>
2025	<u>\$31,900</u>	<u>\$5,000</u>
2026	<u>\$32,900</u>	<u>\$5,000</u>

Comments: _____

REFERENCES

Government Entity	Contact Person	Phone Number	Years of Engagement
1. Please see page 28 of our			
2. proposal			
3.			



 Signature

Partner

 Title

December 16, 2022

 Date