

TOWN COUNCIL MEETING

Municipal Center Council Chambers

May 2, 2023, 1:00 pm

Minutes

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

II. Pledge of Allegiance

III. Roll Call:

Present at Meeting: John D. Labriola, Mayor
John Moffitt, Mayor Pro Tem
Michael Heidingsfelder, Councilmember

Absent: Russell Berner, Councilmember

Present Via Zoom: Brad Belt, Councilmember

Also Present: Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney
Dorota Szubert, Finance Director
Craig Harris, Director of Public Safety
John W. Taylor, Jr., Planning Manager
Chris Campbell, VP Strategy & External Affairs, Explore Charleston

IV. Approval of Minutes:

A. Minutes of the Town Council Meeting of April 4, 2023

Councilmember Heidingsfelder made a motion to approve the minutes of the Town Council Meeting of March 7, 2023. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

V. Updates:

A. Mayor

Mayor Labriola stated that two months ago, the Town's contract with Charleston County to provide the dedicated coverage of two deputies on the island from 7 am to 7 pm was terminated as of June 1st. He reported that the issue had not been resolved at this time, and they are still working with the County regarding a resolution. The Town will send out a notification to residents if a resolution is reached.

B. Council Members

Councilmember Heidingsfelder provided an update on the meetings held in the past month. There was a 100 days event, a Community drop-in on April 7th, and an Our World event on April 27th. He noted that at the recent Ways and Means and Town Council meetings, community members made comments, and he wanted to ensure that the proper answers were provided.

Communication –

- The next Community drop-in meeting with Mayor Labriola and Councilmember Heidingsfelder will be on Friday, May 5th from 9:00 am to 11:00 am in Council Chambers.
- Councilmember Heidingsfelder will have fixed office hours every Tuesday from 9:30 am to 11:30 am in the Council Chambers Conference Room.
- Several Podcasts will be sent out over the coming weeks, including one with Roger Warren and Conservancy leadership.

Public Works –

- Discussions are taking place with a company to provide street sweeping services for Kiawah Island Parkway, Beachwalker Drive, and between the Roundabout and the Municipal Center on a to-be-determined basis.
- Improvements have been made to Kiawah Island Parkway maintenance—discussions with the service provider to increase areas of the contract to pick up trash daily.
- Drainage problems along Kiawah Island Parkway are being investigated.
- Kestral Court trash compactor site – Complaints with signage, guidance, and reaching the doors - still waiting on final equipment - changes to signage should take place this week.
- Recycling trash pick-up – Concerns that recycling picked up on Wednesday was going to a landfill – it has been confirmed that recycling is being taken to the recycling plant with GPS tracking. Still facing challenges with contaminated recycling.

Traffic and Safety –

- Concerns about the first gate traffic issues with backups in the morning and afternoon hours – In the final stages of applying several interim solutions to help guide the traffic.
- Concerns about the bike and pedestrian safety at the Beachwalker Drive and Kiawah Island Parkway Intersection – in the final stages of providing better signage and better street markings
- Concerns about the bike and pedestrian safety at several larger intersections of the leisure trails and main roads – Discuss with the KICA Board improvements to markings on the street, the installation of more signage, and the possible installation of pedestrian-controlled crosswalk lights
- Traffic safety concerns expressed by homeowners in the Point – the consultant working on the traffic situation layout was asked to include the concern in his investigation.
- Concerns were expressed on if there are sufficient resources for Beach Patrol and Code Enforcement – if, over the last ten years if the Town was able to increase staff according to the growth of the island – looking at the numbers in terms of both cost and team size The Town is very well equipped in that area.
- Comments on the appropriate speed for driving on the island ranged from vehicles that are too fast and votes for a 40 to 45 mph speed limit to ticketing vehicles driving 15 to 20 mph.

Development on the island -

- Concerns expressed on
 - the future of the ARB,
 - Beachwalker parcels,
 - dwelling units allowed in Freshfields and the new Andell West development – Eden and Riverstone have assured that will be no dwelling units in those two developments.
 - Captain Sam’s Spit

Concerns were raised about the financial liability the town would potentially carry for a Performing Arts Center.

The first internal meeting for Kiawah Goes Green will take place in a few days - currently in the selection process of community members to join the workgroup.

Other Activities in the works –

- Volunteer policy
- Conflict of interest policy
- Ordinance review project

Councilmember Belt reported that in addition to the increased maintenance along the Kiawah Island Parkway, there had been enhanced maintenance on Beachwalker Drive. The landscape contractor removed the dead debris alongside the road, and work on the planning for landscape enhancements is in the early stages.

Architectural Review Workgroup - has been established in which representatives of the Town and KICA are working together along with several community members. The workgroup is in the early stages of gathering information about the scope of authority and interaction with island entities - Public meetings will be scheduled.

Performing Arts Center – Town Council discussed and approved moving into phase two of the feasibility study or analysis. As part of this phase, there are a series of meetings that are being scheduled in which the consultant will be meeting with various community members and stakeholders to ascertain what the potential community users of the Performing Arts facility would be looking for and whether that can be designed, where it might be designed, and the economics would be.

C. Administrator

1. Code Enforcement Violation Report

Ms. Tillerson stated that the code enforcement provided a violation report which includes violations and complaints from short-term rentals, daytime and evening code enforcement officers, and Beach Patrol.

Ms. Tillerson provided updates on questions received from the community at the community drop-in meetings held with Council Members.

Amenities –

- Concerns or complaints about the location of the chairs or the umbrellas - looking into those to make sure that everyone is compliant in terms of the appropriate locations to place their chairs and umbrellas, including the removal at the end of the night, and working with the private developers to make sure they do not exceed their property line.
- Reports of missing trash bins along the beach - after the recent storm, all the trash bins are back in place, and the Public Works Department is working on taking care of the issue with tilted bins.

Rain Garden –

- Concern with the Town providing financial assistance or grants to the Kiawah Conservancy. The project submitted by the Conservancy to fund two Rain Gardens was vetted through the Environmental Committee, then through Ways and Means, and ultimately approved by Town Council.

Other Topics –

- Beach access suited for disability challenged - specifically making Boardwalk 22 ADA accessible – Information was passed on to KICA. Ms. White will work with Mr. Elder on the request.
- Turtle Beach and Atlantic Beach parking specifically for short-term rentals – The Town continuously tries to work with the Resort and the owners of short-term rental properties to resolve issues meeting the Town's requirements for the number of vehicles allowed in a driveway and no overnight parking on the street.

Ms. Tillerson stated that the Town will be celebrating its 35th Anniversary this year. The Communications Department has been working very hard on planning the food and music for the celebration scheduled for Friday, September 8th at the Municipal Center.

The Town's new website is very close to completion. The goal is to send out the link to Councilmembers and staff by this Friday for feedback and suggestions in terms of content, do a soft release this month, and do a full rollout at the next Council meeting in June.

D. Town Attorney

1. Council Approval of Public Statement From Town Attorney Regarding 2013 Amended and Restated Development Agreement, Architectural Review Board, and Kiawah Island Community Association.

Mr. Wilson stated that he would address some of the questions raised about the 2013 Amended and Restated Development Agreement (ARDA). As the Town's Attorney, he cannot generally provide his legal advice to the public because it is a waiver of the attorney-client privilege, and the client (i.e., the Town and Town Council) can waive that privilege. After some discussions, Mr. Wilson wanted to present Council with the opportunity for the Town Attorney to address some of the issues and asked for a vote of the Council to allow the discussion.

Councilmember Belt made a motion to waive attorney-client privilege with regard to the discussion pertaining to the ARDA (2013 Amended and Restated Development Agreement). Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.

2. Town Attorney - Discussion of 2013 Amended and Restated Development Agreement, Architectural Review Board, and Kiawah Island Community Association.

Mr. Wilson stated that with help from Ross Appel, retained by Council to give a "second opinion," we have both produced substantial memoranda on many issues, and the presentation is an attempt to summarize some of our opinions on these development agreements.

The Town has had Development Agreements with Kiawah Resort Associates since 1994. Despite 30 years of implementation and understanding of these development agreements, and support from the Town Council,

former Town Attorneys, and former Planning Directors, he was asked to do a legal audit of the ARDA early last year. The audit has produced hundreds of hours worth of work and dozens of legal memoranda on the issues and are not off-the-cuff options.

The presentation included the following:

- The questions raised are broken down into three categories:
 - Do ARDA Standards apply to owners other than KRA?
 - Can The Planning Director use administrative allowances included in ARDA?
 - Can The Town enforce private covenants?
- A summary of the answers:
 - All development covered by ARDA'S Development Standards
 - Planning Director can apply ARDA Standards to all development
 - The Town cannot enforce private covenants
- Detailed breakdown of the opinions for each of the answers.

Following the presentation, Mr. Wilson again summarized the answers stating that it is important that everyone understand that the Town has entered agreements that have been in place for 30 years. The current Council may want to steer the Town in a different direction, and they can do that, but they can't do it in violation of the rights established by state law and these contracts. Mr. Wilson asked if Council would like him and Mr. Appel to prepare a summary of the opinions for public release.

Mayor Labriola asked if councilmember preferred to see the public statement that Mr. Wilson and Mr. Appel would prepare prior to its release. Mayor Pro Tem Moffitt and Councilmember Heidingsfelder indicated they did not want to review the statement. Councilmember Belt indicated that he would like to review the statement and began asking Mr. Wilson questions about the information and conclusions he covered in his presentation.

Councilmember Heidingsfelder asked Mr. Wilson to provide more context to put his presentation in perspective. Mr. Wilson indicated that the first two questions raised came up in the context of an owner in the Preserve who applied for redevelopment and addition to their property of an accessory dwelling unit. The permit was issued last year relying on lot coverage standards that are in the development agreement, and there was also an administrative allowance, the footnote one in the development agreement, which was used. The last arose from questions about whether a lot complies with the ARB's standards.

Councilmember Belt began with a series of questions addressing concerns with some of the conclusions and statements made that have implications, going forward, for the administration and enforcement of the zoning code. Mayor Labriola stated that getting into the legal interpretation of the attorney's comments would take a great deal of time, and with the lengthy agenda, he asked Councilmember Belt if he could write those questions down and send them to Mr. Wilson. Councilmember Belt indicated that he felt it was important to get some of the issues addressed publicly and that he wanted the opportunity to pose his questions to Mr. Wilson and have him respond publicly.

Mayor Pro Tem Moffitt made a motion to call the issue of current agenda item D-2. Councilmember Heidingsfelder seconded the motion.

Councilmember Heidingsfelder stated that this discussion has to take place, but not now because of all the reasons he and the Mayor have laid out. He made the condition that this be debated in the next few days.

Mayor Labriola called the question, and the motion was passed with a three-quarter vote of the Council.

VI. Citizens' Comments (Agenda Items Only):

Andy Capelli – Governor's Drive

Mr. Capelli spoke to the discussion at yesterday's Ways and Means Committee meeting. He asked that Council reconsider the recommendation to remove support from not funding the USGA tournament was made for the wrong reason. He felt that based on the comments made, it showed a lack of understanding of the USGA organization. Mr. Capelli reviewed the benefits of the tournament to Kiawah, other PGA and USGA tournaments that have been held on Kiawah, and that there is no direct funding of the Club in any way.

Mr. Capelli spoke to the discussion of the Kimley-horn alternative being presented for Beachwalker Drive. He suggested that Council consider the 2020 PGA experience before deciding to relocate the gate pass office somewhere other than where it is now. He stated that at the tournament, the remote parking location and the issuing of passes at that location allowed for a free flow of traffic through the gate, and it did not affect the community negatively. Mr. Capelli also suggested other locations that may be suitable for a pass office.

Maura McIlvain – 146 Blue Heron Pond Road

Ms. McIlvain stated that during Mr. Wilson's presentation, he stated that "intent matters." It was her view that what it says matters, what it doesn't say matters, and the text matters, and that his interpretation is constrained. She also stated that the community was entitled to hear Mr. Belt's conversation with Mr. Wilson and Mr. Wilson's answers.

Ms. McIlvain indicated that in New Business, there is another item on the building at Beachwalker and Kiawah Island Parkway that talks about a non-binding letter of intent and asks the same questions as last month; what is your price and what is the value of the teardown.

BRAD McIlvain – 146 Blue Heron Pond Road

Mr. McIlvain stated that since privilege has been waived, the entire memo Mr. Wilson prepared should be provided to the members. He felt the discussion with Mr. Wilson was important and that he had serious questions about some of the conclusions raised by Mr. Wilson. Mr. McIlvain also stated that he would like to understand Councilmember Belt's questions and concerns since they may be similar to his own. He stated that it was not improper to raise questions and that the implication that a question is somehow wrong is the wrong way for a Town or public entity to operate.

Mr. McIlvain stated that a mock-up of the Kimley Horn Alternative ONE exit strategy could be seen after the brick replacement, which works well. He asked if something like the current layout could be kept in the interim.

Councilmember Heidingsfelder stated that in the next couple of weeks, there would be people guiding traffic in the morning and afternoon hours. Although he was initially skeptical, removing the stop sign, in fact, does work. He also reiterated that the questions that Councilmember Belt and the Community have asked will be answered and that the discussion will take place.

Todd Boney – 3532 Shipwatch

Mr. Boney stated that his questions and comments are posed as things for Council to consider when doing some follow-up analysis.

- As a property owner, am I a successor to KRA? If that is the case, my question would be, has the Town, in a sense, given the Partners or KRA a veto right on any zoning changes?
- If the ARDA survives and continues through my ownership as a successor, then my question would be, hasn't the Town given up some of its zoning privileges by requiring separate consent by KRA to make changes?
- Concerning the waiver of the appointment right, the Town bargained with the Partners for several things, one of which was a waiver of that appointment right. I don't see how the Town can stand by and say that right isn't a covenant because the partners entered into an update to the KICA covenants. That's a separate agreement independent of the Partners' agreement with the Town. Again we talk about remedy and enforcement and the like, but for the Town to say that because the Partners had entered into a subsequent agreement without reviewing that and seeking the Town's consent, I don't see how it is not in agreement that the Town should argue is unenforceable.

Pamala Cohen – 380 Green Winged Teal

Ms. Cohen wanted to address the Amendments about the beach fireworks and weddings. She stated that she was a biologist that works with DNR biologists and also works intensely with the Town's Shorebird Stewardship program. Ms. Cohen stated that she did not want fireworks on the beach, pointing out that Kiawah has many endangered and federally threatened species, that the area is becoming important environmentally, and that fireworks and beach weddings are detrimental to many species, including migratory and nesting species.

Roger Warren – President, Kiawah Island Golf Resort

Mr. Warren stated that he was a member of the SATAX Committee, which put together the recommendation for allocating SATAX funding. He indicated that the application for the Four-Ball Championship was discussed at the SATAX Committee meeting and that members came to the unanimous conclusion that major PGA and USGA events helped everyone by continuing to raise the perception of the quality and esteem of Kiawah and was surprised that the Ways and Means Committee chose to overrule the SATAX Committee’s recommendation to fund \$75,000. The vote of the Ways and Means Committee is a recommendation and asked that Council reconsider funding the event.

Dave DeStefano – 34 Burroughs Hall Road

Mr. DeStefano stated that he agreed with the comments made by Mr. Warren and encouraged reconsider funding the worthwhile event. He also felt it should have been anticipated that the discussion of Item 5(D) would only take longer than 15 or 20 minutes and that another special meeting should be scheduled as soon as possible to complete the discussions.

With respect to Kimley Horn’s item on the intersection, He indicated that KICA security personnel have indicated that the current layout is working extremely well and that a semi-permanent solution should be implemented while a purchase decision is made. He felt that, for now, there was no need for further design since the Kimley Horn design one would be very successful in the long term.

Alex Fernandez – 418 Snowy Egret

Mr. Fernandez stated that he supported the decision of the Ways and Means Committee not to recommend funding the tournament. It was his understanding that the SATAX funds were supposed to generate future tourism on Kiawah, and this tour tournament had already been scheduled to be held on two private courses, one of which is not on Kiawah and urged Council to maintain the decision of the Ways and Means Committee to deny the funding.

In closing, Mayor Labriola stated that the Town Council meeting started an hour earlier in anticipation of a longer discussion, noting there is a huge desire on people’s part for transparency, and with transparency comes disagreement. He stated that if anyone was offended in any way, shape, or form by comments that were made, he apologized. The open discussion of this very difficult issue was an effort to be transparent, and everyone will not always agree.

VII. Proclamation:

A. Proclamation Recognizing May 7-13, 2023, as “Shorebird Week”

Mayor Labriola stated that on behalf of the Town, he wished to encourage residents and guests to appreciate Kiawah Shorebirds and recognize that they need our Island to nest to rest and feed and with the Kiawah Conservancy the best during *Shorebird Week*.

VIII. Presentation:

A. Maritime Forest Health Analysis and the Rain Garden Installations Project Updates – Lee Bundrick, Kiawah Conservancy

Mr. Bundrick provided the following updates on the Kiawah Conservancy Projects:

Maritime Forest Health Analysis - Conservancy project, which received funding from the Town of Kiawah Island to better understand maritime forest conditions through geospatial analysis. The project had three objectives to help us better understand maritime forest conditions on the island: investigate vegetative health, understand forest composition, develop tools and protocols for future analysis, and incorporate ongoing assessments into the Conservancy’s Ecological Health Initiative. The Conservancy is working to develop protocols and rapid assessment tools for ongoing future assessments.

Rain Garden Installations – Conservancy project, which received funding from the Town of Kiawah Island to install demonstration rain gardens to highlight their function and aesthetics to residents and contractors. Much of this work comes after the Conservancy’s work to develop the **Nature-Based Solutions Manual for Kiawah Island** through grant funding from the National Fish and Wildlife Foundation, which highlights 13 different practices for stormwater mitigation and marsh restoration. We are working to spread these practices throughout the community, starting with

rain gardens. We coordinated with Weston + Sampson Engineering and Clemson Extension to identify potential sites for the demonstration rain gardens. Sites were chosen based on visibility to residents and visitors, as well as whether they would provide a function within the landscape. A site was chosen at Town Hall adjacent to the visitor's parking lot. The designed rain garden would be approximately 300 square feet, would capture the runoff from the nearby walkway, and utilize native plantings with seasonal interest. The next site was located next to the entrance gate at Rhett's Bluff Boat Landing, upstream from an existing drainage swale that runs into the marsh. The designs provided are conceptual plans which will be used to create engineered designs, all of which will be made publicly available. Site selection and design for the rain gardens have been completed. The next steps will be to install the rain gardens and hold workshops as an educational opportunity for residents and contractors. The project at Town Hall will be fully funded by Town funding to the Conservancy. Recognizing that the site at Rhett's Bluff is behind the gate, Town funding will only be used for services related to design and permitting for this site, with the Conservancy covering the costs for installation and materials.

IX. Old Business:

- A. To Consider Approval of Ordinance 2023 – 03 An Ordinance of The Town Council of the Town of Kiawah Island Authorizing And Directing The Town Of Kiawah Island To Enter Into An Intergovernmental Agreement Relating To South Carolina Local Revenue Services; To Participate In One Or More Local Revenue Service Programs; To Execute And Deliver One Or More Participant Program Supplements; And Other Matters Relating Thereto. – Second and Final Reading

Mayor Pro Tem Moffitt made a motion to approve the second and final reading of Ordinance 2023 – 03 - An Ordinance of The Town Council of the Town of Kiawah Island Authorizing And Directing The Town Of Kiawah Island To Enter Into An Intergovernmental Agreement Relating To South Carolina Local Revenue Services; To Participate In One Or More Local Revenue Service Programs; To Execute And Deliver One Or More Participant Program Supplements; And Other Matters Relating Thereto. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.

- B. To Consider Approval of Ordinance 2023 – 04 An Ordinance To Amend The Town Of Kiawah Island Municipal Code Article 3 - Elections, Chapter 1 - Election Of Mayor And Council, Section 3-104 - Time Of Election: Public Notice – Second and Final Reading

Councilmember Heidingsfelder made a motion to approve the first reading of Ordinance 2023 – 04 - An Ordinance To Amend The Town Of Kiawah Island Municipal Code Article 3 - Elections, Chapter 1 - Election Of Mayor And Council, Section 3-104 - Time Of Election: Public Notice. Mayor Pro Tem Moffitt seconded the motion.

Councilmember Belt reiterated his view that it would be more appropriate to reduce the length of the terms rather than extend them to allow the voting public to make that decision, but while not objecting to it; he would simply abstain on the vote any other comments all in favor.

Following the discussion, the motion was passed by a 4 to 1 vote. Councilmember Belt abstained.

X. New Business:

- A. To Consider Approval of the Charleston Visitor's Bureau Fiscal Year 2024 Budget

Mr. Campbell introduced Ms. Smith as the Chief of Staff and Mr. Hayes as the Destination Services Manager of Explore Charleston. He stated that Explore Charleston (Charleston Visitors Bureau) had enjoyed a long and very successful relationship with the Town. The primary objective is to answer any questions about the fiscal 2024 budget, and with the new Council Members felt some background of the organization was warranted.

Mr. Campbell stated that as part of the new TURC (Tax Expenditure Review Commission) process, the FY 2024 budget was presented to the SATAX Committee at their last meeting. The Explore Charleston presentation provided an organizational overview and purpose, a breakdown of the accommodation collected, and a detail of the 30% designated by the Town to Explore Charleston as its Destination Marketing Management Organization (DDMO) for FY2024.

Councilmember Belt, Liaison to the CVB (Charleston Visitors Bureau), stated that the leadership of the CVB had been extraordinarily responsive with regard to questions or providing information and that there had been conversations with Mr. Campbell on the opportunity to have a better information exchange between of CVB and the Town's residents. He also explained that State ATAX monies collected by the Town had to be spent within a period of time and that under state law, 30% has to be directed to a third-party organization such as a chamber of

commerce or convention visitor's bureau. The Town selected the Explore Charleston (Charleston Visitors Bureau) to receive those funds.

Councilmember Heidingsfelder made a motion to approve the Charleston Visitor's Bureau Fiscal Year 2024 Budget. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

B. To Consider Approval of the Fiscal Year 2023/2024 Charitable Grants Funding Amounts

Mayor Labriola stated that there was a robust discussion relative to Charitable Grant funding at the Ways and Means Committee meeting. He stated that in the past, the level of funding was increased to \$200,000, and applications were narrowed to address some of the needs for the broader communities of Johns and Wadmalaw Island and those organizations providing programs dealing with hunger, housing, and health.

Mayor Pro Tem Moffitt stated that the Way and Means Committee asked staff to categorize the applicants into the three categories of hunger, health, and housing. Councilmembers discussed the staff funding recommendations in each of the categories.

Mayor Pro Tem Moffitt stated that the law ensures the separation of church and state, so as a municipality, the Town cannot support groups that evangelize a particular religion. He indicated that yesterday's discussion pointed out that the mission statement of one hunger group may provide a potential conflict with the state requirement and the Town's grant guidelines. Mr. Wilson and Councilmember Belt provided input on what donations by the Town are acceptable, with Mayor Pro Tem Moffitt reviewing the grant guidelines. Since the mission statement did not suggest that the applicant does any of the three prohibited items, he was inclined to leave the funding at the amount recommended by staff.

In the health group, all applicants except one were recommended to be fully funded, the one falling into the "fund the funder" category. Mayor Pro Tem Moffitt went on to discuss the two applicants who made arguments that they should be included in the health group; one was not recommended for funding, Barrier Island Little League and one was recommended for funding at an approximately 25% rate, The Progressive Club of Johns Island. During the discussion, it was suggested that if Council decided not to fund the Progressive Club, the funding could be redirected to the Housing category, fully funding all those applicants.

Councilmember Heidingsfelder made a motion not to fund The Progressive Club of Johns Island and redirect the \$10,000 in staff-recommended funding to the Housing Category. Councilmember Belt seconded the motion, and it was unanimously approved.

Mayor Labriola stated that after Ms. St. John's very passionate statement about funding the application from Keeper of the Wild Wildlife Rescue and Sanctuary, he felt it would be an appropriate time to do a re-evaluation of the Town's Charitable Grant policies, procedures, and guidelines along with the amount available for funding, and that Councilmember Heidingsfelder will work together with Mayor Pro Tem Moffitt on this task.

C. To Consider Approval of the Fiscal Year 2023/2024 SATAX - State Accommodations Tax Funding Amounts

Mayor Labriola stated that the approval of SATAX funding included two components; one for an FY 2022-2023 residual allocation and the second that included the FY 2023-2024 group of allocations.

Mayor Pro Tem Moffitt stated that Mr. Warren's earlier comment pointed out that the consensus of the SATAX Committee was that the Four-Ball Tournament be funded. Councilmember discussed the concerns expressed at the Ways and Means Committee meeting, allocations are essentially reimbursements, and one of the purposes of SATAX funding is to promote "heads in bed" and gate access.

Mayor Labriola made a motion to approve the FY 2022-2023 allocation of \$75,000 for the U.S. Amateur Four-Ball Championship. Mayor Pro Tem seconded the motion, and it was approved by a 3 to 1 vote. Councilmember Belt voted "No."

Mayor Pro Tem Moffitt stated that the recommendation from the SATAX Committee was to allocate the FY 2023-2024 application requests as submitted. He gave an overview of the Committee's review and voting process determining the funding recommendations.

Councilmember Heidingsfelder made a motion to approve the FY 2023-2024 funding recommendations as presented. Mayor Labriola seconded the motion.

Councilmembers discussed the funding requests for Enhanced Rescue Equipment from Barrier Island Ocean Rescue, The Giving Tea from Kiawah Development Partners, and the Garden and Gun plus Freshfields Village from Edens.

Councilmember Heidingsfelder made a motion to amend the funding of Barrier Island Ocean Rescue to \$248, 210.61. Mayor Pro Tem Moffitt seconded the motion.

Mayor Pro Tem withdrew his original motion.

Mayor Pro Tem made a motion to approve the Ways and Means Committee recommendation with the three adjusted amounts to fully fund the enhanced rescue for Barrier Island Ocean Rescue, Beach Patrol, and Law Enforcement Services for the Town of Kiawah Island. All others are to be in the amounts recommended by the SATAX Committee. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.

D. To Consider Approval of the Proposal for the Kiawah Island Parkway Annual Traffic Counts

Mayor Labriola stated there was a long discussion of the proposal Quality Counts for the traffic counts at the Ways and Means Committee meeting resulting in a recommendation for approval.

Mayor Pro Tem Moffitt made a motion to approve the proposal for the Kiawah Island Parkway Annual Traffic Counts. Councilmember Heidingsfelder seconded the motion.

Councilmember Belt indicated he had raised a question on how the counts were done and produced to the Town and asked if there had been any response. Mr. Taylor stated that he contacted the vendor and received a two-part answer. The data collected is live data, so they track every minute that vehicles come across a particular location. The second part of that is the report-out data; while they can produce a report that shows every single minute, in their experience, providing a report in 15-minute intervals makes it easier to digest because you would have hundreds and hundreds of pages of live data.

Following the discussion, the motion was unanimously approved.

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

Mayor Labriola stated that the ordinance would limit fireworks for the 4th of July and New Year's Eve only by approval and only by the commercial entities of the Resort and the Kiawah Island Club.

Mayor Pro Tem Moffitt made a motion to approve the first reading of Ordinance 2023 – 05 to amend the Town Of Kiawah Island Municipal Code Article 15 – General Offenses, Chapter 2. - Offenses Against Public Peace, Section 15-209. - Fireworks and Explosives. Councilmember Heidingsfelder seconded the motion.

Councilmembers discussed the ordinance, agreed to the restrictions, and suggested changing the end time to the 4th of July in addition to some of the language before the second reading.

Following the discussion, the motion was unanimously approved.

F. To Consider Approval of Ordinance 2023 – 06 An Ordinance To Amend The Town Of Kiawah Island Municipal Code Article 16 – Beach Management, Chapter 8. Beach And Beach Recreation Area Regulations, Adding Section 16-809. – Beach Weddings - First Reading

Ms. Tillerson stated that the Town had seen an increase in the number of requests to hold weddings on the beach. The Town must approve beach weddings; historically, very simple weddings of no more than ten attendees were approved. Now, the requests are to hold weddings with 200 to 300 attendees and to set up 200 chairs on the beach. Beyond the ordinance, which states restriction that anything on the beach has to be seaward of the OCRM baseline, there are currently no restrictions or limits to the number of attendees. The Public Safety Committee

looked at other coastal communities and recommended a number of restrictions, including a limit of 50 attendees and 25 chairs, along with charging a permit fee. She noted that Council could also have the option of not allowing any weddings on the beach.

Councilmembers discussed the draft ordinance noting the following issues and concerns.

- Beach weddings are very disruptive.
- The Kiawah Beach is not intended to be a venue.
- Even weddings of 50 attendees create issues with parking vehicles, the location of chairs, and decorations.
- No restriction for turtle nesting season
- Enforcement of the restrictions

Councilmembers further discussed the draft, and suggestions were made to:

- Requests have now expanded to include holding other organized commercial special events, conferences, and receptions on the beach
- Not allowing beach weddings
- Table the ordinance to allow time to take a closer look at the objective that are trying to be met and write an ordinance with a more comprehensive approach.
- Stating that the beach is off-limits to all events

Councilmember agreed to table the first reading of **Ordinance 2023-06**.

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

Mayor Pro Tem Moffitt stated that the Ways and Means Committee’s recommendation was to approve the first reading, schedule, and publicize the public hearing for May 22nd before the next Ways and Means Committee meeting. The second reading of the ordinance would be at the June Town Council meeting.

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

XI. Executive Session:

- A. Executive Session Pursuant to Section 30-4-70(a)(2) – Contractual, Real Estate Building and Site located at 1 Kiawah Island Parkway. To Discuss the Negotiation of the Purchase and Site of the Kiawah Island Real Estate Office**

Councilmember Heidingsfelder made a motion to go into executive session pursuant to section 30-4-70 contractual real estate building and site located at 1 Kiawah Island Parkway to discuss the negotiation of the purchase and site of the Kiawah Island real estate office. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Mayor Pro Tem Moffitt made a motion to come out of the Executive Session. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.

XII. New Business:

- A. To Authorize the Mayor to Negotiate and Enter into a Non-Binding Letter of Intent for the Purchase of the Kiawah Island Real Estate Building and Site located at 1 Kiawah Island Parkway**

Mayor Pro Tem Moffitt made a motion to authorize the Mayor to negotiate and enter into a non-binding letter of intent for the purchase of the Kiawah Island Real Estate Building and site located at 1 Kiawah Island Parkway. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.

- B. Review and Approval of the Proposal from Kimley-Horn for the Kiawah Island Parkway Roundabouts Benefit-Cost Analysis**

Mayor Pro Tem Moffitt made a motion to approve the Proposal from Kimley-Horn for the Kiawah Island Parkway Roundabouts Benefit-Cost Analysis. Councilmember Heidingsfelder seconded the motion, and it was unanimously approved.

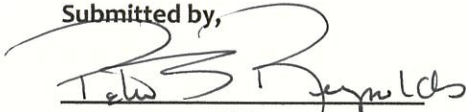
XIII. Council Member Comments:
None

XIV. Citizens' Comments:
None

XV. Adjournment:


Councilmember Heidingsfelder made a motion to adjourn the meeting at 5:28 pm. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor

6-7-2023

Date