

SPECIAL CALL TOWN COUNCIL
Municipal Center Council Chambers
February 26, 2024, 8:00 am

AGENDA

I. Call to Order: *Mayor Labriola called the meeting to order at 9:00 am.*

II. Roll Call:

Present at the Meeting: John D. Labriola, *Mayor*
Russell Berner, *Council Member*
Madeleine Kaye, *Council Member*

Present via Zoom: Michael Heidingsfelder, *Mayor Pro Tem*
Brad Belt, *Council Member*
Joe Wilson, *Town Attorney*
Ross Appel, *Attorney*
Stafford McQuillin - *HSB -Town Attorney*

Also Present: Stephanie Tillerson, *Town Administrator*

III. Citizens' Comments (Agenda Items Only):

Maura McIlvain – 146 Blue Heron Pond Road

Ms. McIlvain stated that there had been extensive discussion of the ARDA (Amended and Restated Development Agreement), and it would be discussed again today, so in advance of the discussion, she stated that in every contract, there are considerations. The delivery of the properties and honoring the agreement are all part of the deal and a substantial part of what the Town was supposed to get in the deal.

Ms. McIlvain also stated there had been many discussions on legal fees, pointing out that in the ARDA, the prevailing party gets their legal fees back from the other party.

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

IV. Executive Session:

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

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

Mayor Labriola stated that during the Executive Session, there was a very long discussion with Counsel; no decisions were made, and no actions were taken.

V. New Business:

- A. Town Council may Consider the Approval of an Action on the 2013 Amended and Restated Development Agreement and Captain Sam's Spit.

Council Member Berner made a motion to have legal counsel send an email to the AG and other state-involved entities regarding Kiawah's position towards Captain Sam's Spit and the ARDA. Council Member Kaye seconded the motion, and it was unanimously approved.

VI. Council Member Comments:

Council Member Belt stated that the action taken in Council Member Berner's motion was in response to the article published in the Post and Courier regarding Sam's Spit last week.

Mayor Pro Tem Heidingsfelder noted that this was just the first step, with more steps to follow.

VII. Citizens' Comments:

Maura McIlvain – 146 Blue Heron Pond Road

Ms. McIlvain assumed that since the letter was from the Council to the AG, it would be published to the Community. Ms. Tillerson responded that the attorney would have to be consulted.

VIII. Adjournment:

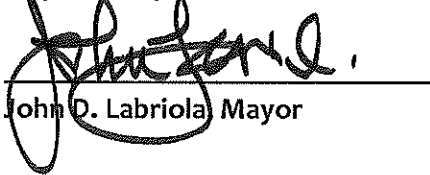
Mayor Pro Tem Heidingsfelder made a motion to adjourn the meeting at 9:42 am. Council Member Berner seconded the motion, and it was unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola Mayor

3-11-2024

Date