

SPECIAL CALL TOWN COUNCIL

Municipal Center Council Chambers

January 24, 2024, 1:00 pm

Minutes

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

II. Roll Call:

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

Present Via Zoom: Michael Heidingsfelder, *Mayor Pro Tem*
Brad Belt, *Council Member*

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

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

Council Member Berner made a motion to go into Executive Session to receive legal advice regarding the 2013 Amended and Restated Development Agreement and Captain Sam's Spit pursuant to South Carolina Code Section 30-4-70(a)(2). Mayor Pro Tem Heidingsfelder seconded the motion, and it was unanimously approved.

IV. Executive Session:

A. Executive Session to receive legal advice regarding the 2013 Amended and Restated Development Agreement and Captain Sam's Spit pursuant to South Carolina Code Section 30-4-70(a)(2).

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 no decisions were made and no actions were taken during the Executive Session.

V. New Business:

A. Town Council May Consider the Approval of an Action on the 2013 Amended and Restated Development Agreement (ARDA) and Captain Sam's Spit.

Mayor Pro Tem Heidingsfelder apologized for the length of the Executive Session, stating that it took some time to debate this very complicated issue. He noted that very valuable advice was received from legal counsel as it related to Captain Sam's Spit and that there was a very productive discussion, with no decisions made.

Mayor Pro Tem Heidingsfelder made a motion to authorize legal counsel Ross Appel to pursue the Town's rights with regard to Captain Sam's Spit as outlined in the ARDA, specifically with regard to pursuing all the obligations of the property owner for transferring all portions of Sam's Spit to the Kiawah Island Community Association (KICA), including the necessary deed restrictions to put the land into conservation. Council Member Belt seconded the motion.

Council Member Belt stated that the action being taken is in consideration of the advice received from counsel, the demand letter previously submitted by the KICA to the property owner with regard to the rights and obligations within the ARDA, the opinion of the general counsel South Carolina Environmental Law Project, and the letter received from the Kiawah Island Conservancy Board supporting the Town's position. He felt it was the appropriate action and supported the motion.

Following the discussion, the motion was unanimously approved.

VI. Council Member Comments:

None

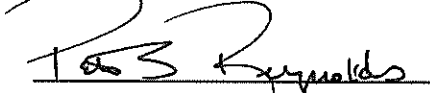
VII. Citizens' Comments:

None

VIII. Adjournment:


Mayor Labriola adjourned the meeting at 3:11 pm.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor