

TOWN COUNCIL
Municipal Center Council Chambers
August 1, 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 the Meeting: John D. Labriola, *Mayor*
John Moffitt, *Mayor Pro Tem*
Russell Berner, *Councilmember*
Brad Belt, *Councilmember*

Present Via Zoom: Michael Heidingsfelder, *Councilmember*

Also Present: Stephanie Tillerson, *Town Administrator*
Joe Wilson, *Town Attorney*
Craig Harris, *Director of Public Safety*
Jim Jordan, *Wildlife Biologist*
John Skerchek, *Developer, Health and Wellness Village*
Richard Ackerman, *CEO – Big Rock Partners*
Dillon Turner, *Kimley Horn*

IV. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of June 6, 2023.

Councilmember Berner motioned to approve the minutes of the Special Call Town Council Meeting of June 6, 2023. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

B. Minutes of the Town Council Meeting of July 11, 2023.

Councilmember Berner made a motion to approve the minutes of the Town Council Meeting of July 11, 2023. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

C. Minutes of the Town Council Public Hearing of July 11, 2023.t

Councilmember Berner made a motion to approve the minutes of the Town Council Public Hearing of July 11, 2023. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

V. **Updates:**

A. Mayor
None

B. Council Members

Mayor Pro Tem Moffitt stated that the final extension of the Captain Sam's Spit preliminary plat approved in 2022 expired in July 2023 as anticipated.

Mayor Pro Tem Moffitt indicated that there had been discussion of MUSC having to work with Seabrook on their project, pointing out the settlement agreement reached between Seafields and Seabrook had to do with construction traffic and access points, not for ongoing use once the building is completed. For MUSC to use that same entry point into the property they want to build on, they know they will also have to work with Seabrook to get an agreement for the items, but they have not had those discussions yet.

Councilmember Heidingsfelder provided updates on the following:

- Traffic mitigation at the first gate
 - Recommendation for the community to study and engage in discussion of the proposal presented at the July Council meeting, which included two plans:
 - Two add additional blackout dates to not allow new construction and major renovation projects around major holidays and peak seasons on the island
 - Limit the number of building licenses issued by the Town
 - consider hiring a permanent staff member to help guide traffic coming onto the island in the morning hours
- Leisure trail safety improvements:
 - Town and KICA (Kiawah Island Community Association) staff had completed detailed plans for the intersection of Beachwalker Drive and Kiawah Island Parkway and the intersection of Oyster Rake and Kiawah Beach Drive.
 - Plans will be submitted to the ARB (Architectural Review Board) for acknowledgment.
 - Order for signs and warning lights to be placed soon, followed by installation and explanation by the communication departments.
- Reduction in the speed limit to 25 mph when leaving the island between the Oyster Rake intersection and the end of the Mingo Point curve to take place August 18th.
- Andell West Project
 - A letter of support will be sent to Riverstone Properties and Charleston County Council in advance of the vote on the planned development district (PDD) that was submitted.
- iKiawah corrections
 - Recent emails on iKiawah from PreserveKiawah and the SC Environmental Law Project have stated the expiration of the Captain Sam's Spit preliminary subdivision plat was linked to their legal dispute efforts. Clarification was made that the plat **expired** after twelve months on July 5th, independent from lawsuits and engagements.
 - Recent emails on iKiawah have incorrectly suggested that the Town recommended the Mingo Point dock be moved to the south. While considering the application at the BZA (Board of Zoning Appeals) in January, a board member **questioned** whether moving the dock to the south would be better. No recommendation has been made by Town staff or representatives.

Councilmember Berner stated he participated in a hurricane training event held on July 21st in Council Chambers. Attending were representatives of all the island entities and first responders who participated in a mock Category 3 hurricane that included different events, scenarios, and emergency call-ins.

Councilmember Belt commended the following:

- MUSC
 - The settlement agreement requirements are extensive, dealing primarily with traffic management, but also include provisions for payment of damages related to moving and restoration of bike lanes and tree mitigation.
- Andell West
 - Charleston County Planning Commission will meet on August 14th to consider the revised PDD proposal application.
- Bohicket Marina
 - The Seabrook Council will consider the proposed annexation into the Town of Seabrook Island on August 22nd. Despite more than 500 comments being made to the Seabrook Planning Commission in objection and 30 in favor, the Seabrook Planning Commission passed the annexation by a four-to-one vote.
- ARB Taskforce
 - It entered the second phase following comments and the public meeting.

- Three subgroups:
 - Working on benchmarking what other similar communities have done regarding architectural review when transitioning from a developer to homeowner control and the Town's role
 - Working on interim changes dealing with cost fees and deposit issues, the scope of review (routine repairs and maintenance)
 - Working on long-term structural changes
- KICA Board Litigation Committee discussions with Kiawah Partners with regard to the future of the ARB. [are you sure Brad said this? I do not think KICA has a "litigation committee."]
- Mingo Point
 - Property Owners expressed concerns when notice of a pending application was not received from the Town but rather from DHEC (Department of Health and Environmental Control). Recent applications have revealed a potentially significant issue with regard to appropriate notice to the community/property owners about development applications and administrative review.
- Other Issues that need to be addressed or resolved
 - The process the town is required to follow pursuant to its ordinances with regard to the authority to enter into contracts, the authority to obligate funds, and the authority to expend funds
 - A lawsuit filed by a homeowner alleging the Town failed to comply with a FOIA request in which the request for a memorandum prepared by the Town Attorney was denied. Councilmember Belt stated that a request for the memorandum he prepared following the May Council meeting was also denied and, in his opinion, was inappropriately withheld.

C. Administrator

Ms. Tillerson stated that by the end of the week, Council and Public Safety Committee members will receive the RFP (Request for Proposals) for Policing Services for their comments and feedback.

Ms. Tillerson reported that the new website was scheduled to be released today, but some edits were still needed. The goal is for a soft release in the next two weeks.

D. Attorney

VI. Citizens' Comments (Agenda Items Only):

Maura McIlvain – 146 Blue Heron Pond Road

Ms. McIlvain commented on item 10B - Rules for Procedure for Citizens Comments. She noted that the current ordinance limits citizens to five minutes, with the proposed ordinance reducing the limit to three minutes. She did not understand why there was a limit on the public's concerns and comments and asked to reconsider the limitation.

Alex Fernandez – 418 Snowy Egret

Mr. Fernandez commented on the Professional Services and the right of the Mayor or his designee to come to a decision on a sole source for services provided to the Town. He requested the addition of a clause that references disclosure of the participating companies along with the quoted rates.

Mr. Fernandez commented on the Beachwalker Drive and Kiawah Island Parkway alternatives, asking if the Town has received any independent appraisals of the Kiawah Island Real Estate Property. If so, they have not been made public.

Ms. Tillerson indicated that two independent appraisals had been obtained and were not released due to ongoing negotiations.

Mr. Fernandez expressed his concern that, to date, he had not seen a tree protection ordinance. He also noted the length of time taken on what the Council considered a top priority.

Ms. Tillerson stated that the Planning Commission is currently working on a tree protection ordinance.

VII. Presentation:

A. Health & Wellness Village (Betsy Kerrison Parkway) - Presenter: John Skerchek, Developer

Mr. Skerchek introduced himself and his partner, stating that as island residents, they have long witnessed the lack of day-to-day Health Care Services and sought to help bring about a solution for the residents of Kiawah, Seabrook, and everyone on John's Island.

Following the introduction of the development team members in attendance to answer any questions, Mr. Skerchek reviewed the presentation on the Island Park Place Medical Health and Wellness Village. The presentation included the health village vision, a detailed proposed site plan, project benefits, and development philosophy.

Ms. Kirk, Director of Strategic Planning with Thompson Turner Construction, provided information on the background, qualifications, and experience specifically in the company's health care.

Mr. Worst, with LS3P, provided renderings of the inspirational design and architectural images used in trying to create a timeless architecture grounded in southern comfort. Also presented were concepts of the medical and commercial buildings.

Mr. Williams, one of the project attorneys, provided an overview of the project timeline. He indicated that the County Planning Commission has reviewed drafts of the PDD for their feedback and recommendations, and the formal PDD would be submitted to the County Planning Commission in the coming months.

In response to a question from Councilmember, Mr. Dermody, certified in managed care, indicated that most providers will take Medicare and Medicaid for the most part. Still, some Specialists will choose not to and may be outside of those services qualified for under the state plan. Mr. Skerchek reviewed the approximate percentages designated to the permitted uses and current entitlements.

Mr. Ackerman, CEO of Big Rock Partners, announced that last Thursday, we issued a 215-million-dollar Municipal Bond offering for the construction and permanent financing of the Seafields projects. The notice to proceed was signed so the construction process will start in the coming weeks, with completion anticipated in about 24 months. Currently, 70 of the 90 units are reserved and expected to be sold out within the first six months of construction.

VIII. Old Business:

A. To Consider Approval of the Proposal from Elko Consulting to Conduct a Feasibility Study for Improvements to the Kiawah River Public Access

Mayor Pro Tem Moffitt stated the Ways and Means Committee discussed the approval of the feasibility study by Elko Consulting and recommended that the Council approve the contract with the provision that the initial assessment is authorized to be executed with a stop to evaluate before continuing.

Mayor Pro Tem Moffitt made a motion to approve the proposal from Elko Consulting to Conduct a Feasibility Study for Improvements to the Kiawah River Public Access with the provision that only the initial assessment is authorized with a stop at that point to assess further. Committee Member Berner seconded the motion, and it was unanimously approved.

Councilmember Belt raised a question that regardless of what happens with regard to this feasibility study, whether or not we should prohibit kayak use at the bridge. For two reasons:

1. Kayaking is not an expressly permitted use under the Town's Greenbelt funding agreement, although apparently, the County Administrator of the Greenbelt Funds has stated it is permissible.

2. The consensus view of Mr. Jordan and others is that most damage occurs from dragging kayaks through the marsh. Restricting the public access to passive activities, walking, hiking, fishing, and crabbing, might start to make some interim progress on restoring the health of the marsh.

Mayor Pro Tem Moffitt indicated there had been a discussion of preparing something for the next Town Council meeting for consideration and a vote.

IX. Consent:

- A. To Consider Approval of **Ordinance 2023-08** - An Ordinance To Amend The Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Division 3 – Provisions For Flood Hazard Reduction, Section 14-173 - Special Standards – **Second and Final Reading**
- B. To Consider Approval of **Ordinance 2023-09** - An Ordinance To Amend The Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Division 3 – Provisions For Flood Hazard Reduction, Section 14-178 – Elevated Buildings – **Second and Final Reading**
- C. To Consider Approval of **Ordinance 2023-10** - An Ordinance to Amend the Town of Kiawah Island Comprehensive Plan Map IX.2, Future Land Use; to Change the Future Land Use Designation for the Subject Property (209-06-00-344) From “Commercial” to “Active Recreation and Open Space - **Second and Final Reading.**
- D. To Consider Approval of **Ordinance 2023-11** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning, Article II. - Zoning, Division 2. - Zoning Map/Districts, Section 12-62. – Zoning Map by Rezoning the Property (209-06-00-344) From the “Commercial” (C) Zoning District to the “Parks and Recreation” (PR) Zoning District of the Zoning Ordinance of the Town of Kiawah Island, South Carolina - **Second and Final Reading**

Councilmember Belt motioned for consent approval of the second and final reading of items A, B, C, and D. Mayor Pro Tem seconded the motion, and it was unanimously approved.

X. New Business:

- A. To Consider Approval of **Resolution 2023-02** - A Resolution to Adopt the Town of Kiawah Island Volunteer Policy

Ms. Tillerson stated that the Volunteer Policy put together by Councilmember Heidingsfelder was reviewed by the Town Attorney and the Town’s Labor Attorney.

Councilmember Heidingsfelder explained that the discussions at the February Council Retreat included clarifying the requirements and responsibilities for volunteers serving on the Town’s commissions, committees, and boards. Along with requirements, the guideline also outlines the process for how volunteers are recruited, selected, and appointed. The detailed rules and mission statement of each commission, committee, and board are left to the committee chairman. The draft of the policy was thoroughly reviewed by Ms. Tillerson, Mr. Wilson, and the Town’s Labor Attorney.

Councilmember Heidingsfelder motioned to approve Resolution 2023-02 adopting the Town of Kiawah Island Volunteer Policy. Councilmember Belt seconded the motion.

Councilmember Belt noted that the policy did not include the circumstances in which removal may be warranted. He raised the question of whether there should be a circumstance or situation in which the Council, the commission, the committee, the board itself, and/or the Chairman could seek the removal of a member in those instances in which a member is not attending the meetings. Ms. Tillerson stated that she believed that the removal of a member is addressed in the Charter for each individual commission, committee, and board and its chairman.

Councilmember Belt proposed an amendment to the policy to strike the second sentence in the second paragraph of General requirements that states there is no enforceable obligation and striking the however in the third sentence. Councilmembers agreed to the proposed amendments. Councilmember Heidingsfelder added that appropriate term limits would also be left up to the Chairman to define.

Following the discussion, Councilmember Belt motioned to approve Resolution 2023-02, adopting the Town of Kiawah Island Volunteer Policy as amended. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

B. To Consider Approval of Ordinance 2023-12 - An Ordinance to Amend The Town of Kiawah Island Municipal Code Article 2. - General Government and Administration, Chapter 3. – Meetings of Council and Rules of Procedure; Ordinances and Resolutions, Section 2-308. – Appearance of Citizens – First Reading

Mayor Pro Tem Moffitt reviewed the changes proposed in the ordinance amendment that would remove the overall time limit and create a three-minute time limit per speaker to have a semblance of control. Councilmembers discussed;

- the concerns raised during the Citizens' Comments and
- a proposed amendment to remove the three-minute per-speaker time limit.
- a proposed amendment to create a five-minute per-speaker time limit, with the Council having the discretion to extend the time.

Mayor Pro Tem Moffitt made a motion to strike “B(2)(b)” removing the time limits. Councilmember Belt seconded the motion, and it was unanimously approved.

Councilmembers discussed Councilmember Belt's proposal to strike “C”.

Councilmember Belt made a motion to strike “C.” Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Following further discussion, Mayor Pro Tem Moffitt the motion to approve the first reading of Ordinance 2023-12 - to amend the Town of Kiawah Island Municipal Code Article 2. - General Government and Administration, Chapter 3. – Meetings of Council and Rules of Procedure; Ordinances and Resolutions, Section 2-308. – Appearance of Citizens as amended. Councilmember Berner seconded the motion, and it was unanimously approved.

C. To Consider Approval of Ordinance 2023-13 - An Ordinance to Amend the Town of Kiawah Island Municipal Code Article 4 – Finance and Taxation, Chapter 4. – Purchasing, Sections 4-412. – Sole source Procurement and 4-415. – Professional Services – First Reading

Mayor Pro Tem Moffitt reviewed the changes proposed in the ordinance amendment that would replace the Mayor with the Mayor or his designee. Additional language was suggested by Councilmember Belt to be added to Section 4-412.

- (a) A contract may be awarded for a supply, service, or construction item without competition if the Mayor and the Town's purchasing officer determine in writing that there is only one source for the required supply, service, or construction item. Except for contracts with a total potential value of [\$20,000] or less, public notice of the intent to award without competition shall be posted on the Town's website at least five business days prior to awarding a contract.
- (b) Written documentation must include the determination and reasonably detailed basis for the proposed sole source procurement.

Mayor Pro Tem Moffitt motioned to adopt the revised Ordinance 2023-13 with the amendment to Section 4-412 as stated. Councilmember Belt seconded the motion.

Following further discussion, the motion was unanimously approved.

Mayor Pro Tem Moffitt made a motion to approve the first reading of Ordinance 2023-13 - An Ordinance to Amend The Town of Kiawah Island Municipal Code Article 4 – Finance and Taxation, Chapter 4. – Purchasing, Sections 4-412. – Sole source Procurement and 4-415. – Professional Services as amended. Councilmember Berner seconded the motion, and it was unanimously approved.

D. To Consider Approval of the Engagement Agreement with McCullough Khan Appel

Mayor Pro Tem Moffitt stated that the letter of engagement agreement was reviewed by the Ways and Means Committee and recommended for approval with some changes, additions, or clarification.

- Billing of travel time
- Conflict of interest test
- “our firm’s point of contact can only be the Town’s Mayor, the Town Administrator, and the Town Attorney.”
- “our firm’s point of contact can only be the Town’s Mayor, the Town Administrator, and the Town Attorney with regard to the matters which he is advising the Town pursuant to this engagement.”

Mayor Pro Tem Moffitt motioned to accept the Ways and Means recommendations and authorize the mayor to sign the Engagement Agreement with McCullough Khan Appel, provided the four stated items are addressed. Councilmember Berner seconded the motion.

Councilmember Heidingsfelder motioned to accept the four Ways and Means Committee recommended amendments to the Engagement Agreement with McCullough Khan Appel. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Councilmember Berner motioned to approve the Engagement Agreement with McCullough Khan Appel as amended. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

E. To Consider Approval of the Proposal for Municipal Center Janitorial Services

Mayor Labriola stated that the Ways and Means Committee recommended Blink Facility Solutions as the contractor for janitorial services.

Mayor Labriola motioned to recommend to the Town Council the approval of the proposal from Blink Facility Solutions for Municipal Center Janitorial Services. Committee Member Berner seconded the motion.

Following further discussion, the motion was unanimously approved.

F. Discussion and Approval of the Proposed Kiawah Island Parkway Roundabout Concept in Relation to the Andell West Project

Ms. Tillerson stated the previous Council discussed a traffic signal versus a roundabout at the Andell West project. The public did not support Kimley-Horn’s comprehensive traffic recommendation for a traffic signal, so Kimley-Horn was asked to see if a roundabout was feasible at the project site. The previous Council agreed to the concept of a roundabout with Riverstone properties doing the design, working with Kimley-Horn to make sure it met all requirements outlined in an infrastructure agreement, and that would be presented to the Council for review and approval.

Mr. Turner provided a presentation of the roundabout at the access of the Andell West development to the Kiawah Island Parkway. The presentation outlined the history of the studies done by the developer and reviewed by Kimley-Horn, determinations made, and proposed layouts for either a signal or a roundabout with no firm stance taken on either. In 2023, Kimley-Horn did an update of the corridor study, resulting in the recommendation that in the short-term, a roundabout worked well, but in the longer term, if the development that was projected in the study came true, a single-lane roundabout could fail, and a traffic signal gave more flexibility for the site. At that time, the Council voted that a traffic signal was not

a preferred alternative on the Parkway and moved forward with a roundabout with turn lanes for future development.

Councilmembers discussed who would pay for the construction of a roundabout, the draft infrastructure agreement already shared with Riverstone, and the proposed roundabout layout designed with the turn-offs for future development.

G. Discussion of the Benefits/Costs Analysis Alternatives on Kiawah Island Parkway & Beachwalker Drive Intersection Improvements and the Next Steps - Dillon Turner

Mr. Turner provided a benefit-cost analysis comparison of the alternatives at the Kiawah Island Parkway and Beachwalker Drive intersection. The presentation included examples of the benefits associated with safety improvements, travel time savings, and emissions reduction and examples of costs associated with preliminary design, engineering, right-of-way, and construction costs.

Mr. Turner presented the conceptual design and levels of service of the three alternatives, with Councilmembers engaging in an in-depth discussion of each. The overall cost results included the OPPC (Opinion of Probable Construction Costs) for each.

- Alternative 1 – Left turn improvement - \$800,000
- Alternative 2 – Roundabout - \$3.2 million
- Alternative 3 – Additional roundabout - \$4 million

Councilmembers discussed the integration of a permanent resource of a professional traffic control officer to Alternative one, further discussing the purchase of the real estate building and property, the viability of Alternative one, and moving forward with a proposal to proceed with that alternative.

XI. Council Member Comments:

Councilmember Heidingsfelder stated that he felt the Andell Bohicket Marina project, which includes annexation and a significant zoning change for the property, does not create any benefit for the Sea Island community. The project would only increase traffic, destroy the Maritime Forest, and is outside the Urban Growth Boundary. He encouraged the Council to take a position and let the Seabrook Town Council know that the Kiawah Town Council does not support the project.

Councilmembers discussed the potential issues of the project and that Seabrook Council would be considering the annexation in two weeks. The council's consensus is to prepare a letter shifting the focus from the project's merits to concerns with the expansion of the urban growth boundary.

XII. Citizens' Comments:

Maura McIlvain – 146 Blue Heron Pond Road

Ms. McIlvain thanked the Council for listening to her comments and modifying the revised ordinance's text. She also commented on the traffic issue, questioning if KICA could switch the lanes coming into the gate, moving the RFIDs to the left lane.

Alex Fernandez – 418 Snowy Egret

Mr. Fernandez stated that over last year, the number of cars coming through the gate increased 12% in the second quarter of this year and increased almost 30% over the Fourth of July holiday. He noted that many things can be done, but with traffic increasing, something needs to be done to relieve the situation.

Dave DeStefano – 31 Burroughs Hall

Mr. DeStefano thanked the Council for supporting the roundabout at the Andell West project. He commented on the gate traffic issues, stating that vehicles without passes were not the main issue, but people do not know the lane designation.

Mark Premar – Kiawah Partners

Mr. Premar commented on the comprehensive approach to the traffic issues at the main gate. He provided an update on the Upper Beachwalker project by stating that meetings had taken place with three of the four homeowner’s association (HOA) boards, and a meeting with the fourth HOA is still being scheduled. He noted that good input was received from the meetings, with the main concerns expressed with traffic, density, and short-term rentals.

Mr. Premar stated that assuming there is a pathway to consolidation that may be considered, he had begun drafting planned development documents with a goal to informally submit a draft in the middle of this month representing a template that could be considered if a comprehensive approach could be worked out. He further discussed the submission of site plans for parcel one and the church parcel that are still being assessed.

John Clifford – 4 Little Rabbit

Mr. Clifford indicated that he intended to discuss the Mingo Point dock application which was discussed. He stated he had submitted a letter to the Town but felt that the Town looks at how applications are noticed and the public is informed.

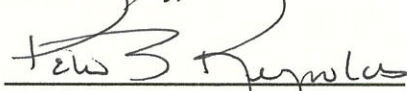
Mr. Clifford also commented on:

- The practice of Councilmembers or Planning Commissioners querying people offering comments.
- There is no problem with sending a general sense of the council instead of an outright position to Seabrook or anyone else.
- When considering traffic mitigation, be mindful that there’s another Community right at the front gate.
- Consider looking at the bigger picture when looking at where the bicycles and the roadway interface.
- With the available opportunities to purchase gas, the town may want to consider the purchase of the gas station property outside the gate.
- An advocate for consideration of putting a bridge at the backside of the island.

XIII. Adjournment:

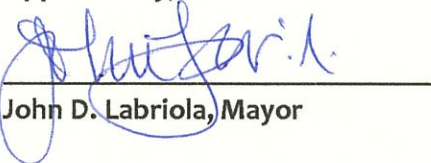
Councilmember Berner motioned to adjourn the meeting at 4:22 pm. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor

10-11-2023

Date