

**TOWN COUNCIL  
SPECIAL CALL MEETING  
Kiawah Island Municipal Center  
Council Chambers  
October 3, 2023, 12:00 pm**

**Minutes**

I. **Call to Order:** *Mayor Labriola called the meeting to order at 12:10 pm.*

II. **Roll Call:**

**Present at the Meeting:** John D. Labriola, *Mayor*  
John Moffitt, *Mayor Pro Tem*  
Brad Belt, *Council Member*  
Russell Berner, *Council Member*

**Present Via Zoom:** Michael Heidingsfelder, *Council Member*

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

III. **Executive Session:**

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

***Council Member Berner motion to move into Executive Session to receive legal advice regarding the 2013 Amended and Restated Development Agreement and Vested Rights pursuant to South Carolina Code Section 30-4-70(a)(2). Mayor Pro Tem Moffitt seconded the motion.***

Council Member Belt stated he had raised the issue previously, that it is not clear to him that this is an adequate basis for going into Executive Session. He reminded his fellow Council Members that in 1998, the State Legislature changed this provision to remove simply receiving legal advice as a basis for going into Executive Session. The now basis in 30-40-70 is the discussion of negotiations incident to a proposed contractual arrangement. There are no negotiations regarding the 2013 Amended Restated Development Agreement (ARDA). Vested rights are a matter of interpretation under the state statute, and the Council can certainly discuss the applicability of State Statute to amend the ARDA in public session unless the purpose is to receive legal advice relating to a pending threat or potential claim, which I may be, but he had not been apprised of that. Then, there would not be an adequate basis for going into Executive Session.

Council Member Belt stated that the second point he would make is that in addition to discussing vested rights publicly, he would hope that what is not going to be heard from Council is a request by the community to retain the services of a Consulting Engineer, a municipal engineer, or a civil engineer to review the proposed site plan would somehow result in a threat of liability for the Town on the part of Kiawah Partners because for some reason it might delay their attainment of vested rights under the state Vested Rights Act.

***Following the discussion, the motion was unanimously approved.***

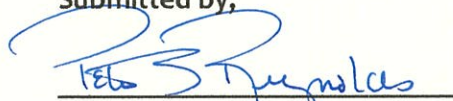
**Council Member Berner motioned to come out of the Executive Session. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.**

\*The motion to close the Executive Session was made after the October 3<sup>rd</sup> Town Council meeting was started.

**IV. Adjournment:**

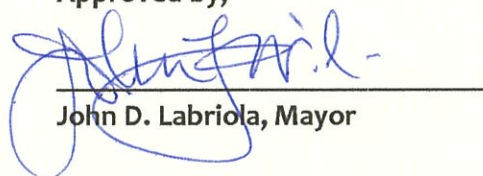
*The meeting was adjourned at 1:04 pm.*

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor

11.28.2023

Date