



Mayor

Craig E. Weaver

Council Members

Jack Koach

Diana L. Mezzanotte

Chris Widuch

John R. Wilson

Town Administrator

Stephanie Monroe Tillerson

4475 Betsy Kerrison Parkway | Kiawah Island, SC 29455 | (843) 768-9166 | Fax (843) 768-4764 | www.kiawahisland.org

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

April 3, 2018; 2:00 PM

AGENDA

- I. **Call to Order:**
- II. **Pledge of Allegiance**
- III. **Approval of Minutes:**
 - A. Minutes of the Town Council Meeting of March 6, 2018 [Tab 1]
- IV. **Mayor's Update:**
- V. **Citizens' Comments (Agenda Items Only)**
- VI. **Presentation:**
 - A. Communication and Wildlife Departments
- VII. **Old Business:**

None
- VIII. **New Business:**
 - A. **Ordinance 2018-02** – to amend Section 12-78, Dock Key Locations to allow a floating dock for property located at 248 Eagle Point Road (TMS# 265-02-00-162). - **Public Hearing and First Reading** [Tab 2]
 - B. **Ordinance 2018-03** - to amend the Town of Kiawah Island Dock Key Locations Map for the property located at 248 Eagle Point Road (TMS# 265-02-00-162) from the Fixed Dock designation to a Floating Dock designation. - **Public Hearing and First Reading** [Tab 3]
 - C. **Ordinance 2018-04** - to create a new Future Land Use Category Active Recreation, Residential and Open Space; and to change the existing Future Land Use designation for the property located at 1000 Ocean Course Drive (TMS 265-16-00-184) from Active Recreation and Open Space to Active Recreation, Residential, and Open Space. - **Public Hearing and First Reading** [Tab 4]
 - D. **Ordinance 2018-05** - to create a new zoning district, PR-OC: Parks and Recreation - Ocean Course - **Public Hearing and First Reading** [Tab 5]
 - E. **Ordinance 2018-06** - to rezone the property located at 1000 Ocean Course Drive (TMS 265-16-00-184) from the Parks and Recreation (PR) Zoning District to the Parks and Recreation – Ocean Course (PR-OC) Zoning District. (28.753 acres) - **Public Hearing and First Reading** [Tab 6]
 - F. To Consider Approval of the AirMedCare Contract Renewal [Tab 7]
 - G. To Consider Approval of the Summit Building Services Contract Amendment [Tab 8]
 - H. To Consider Approval of the Proposal from Carolina Waste for Solid Waste Services [Tab 9]
 - I. Discussion of a new Charleston County Sheriff's Office Staffing Model
 - J. Discussion of the Building Permit Process
- IX. **Other Business:**

None
- X. **Town Administrator's Report:**

- XI. Council Member:
 - a. Committee Updates
 - b. General Comments
- XII. Citizens' Comments:
- XIII. Executive Session:
 - A. Personnel Matter to Discuss Town Employee Salaries
- XIV. New Business:
 - K. To Consider Approval of the New Employee Salary Ranges
- XV. Adjournment:

TOWN COUNCIL MEETING

Kiawah Island Municipal Center
Council Chambers
March 6, 2018; 2:00 PM

Minutes

I. Call to Order: *Mayor Weaver called the meeting to order at 2:00 pm.*

II. Pledge of Allegiance

Present at the meeting: Craig Weaver, Mayor
John R. Wilson
Diana Mezzanotte
Jack Koach
Chris Widuch

Also Present: Stephanie Monroe Tillerson, Town Administrator
Dwayne Green, Town Attorney
Petra Reynolds, Town Clerk

III. Approval of Minutes:

- A. Minutes of the Council Strategic Planning Retreat of February 1, 2018
- B. Minutes of the Council Strategic Planning Retreat of February 2, 2018

Mr. Widuch made a motion to approve the minutes of the February 1, 2018 and February 2, 2018 Town Council Strategic Planning Retreat. The motion was seconded by Mrs. Mezzanotte and the minutes were unanimously approved.

- C. Minutes of the Town Council Meeting of February 6, 2018

Mr. Widuch made a motion to approve the minutes of the February 6, 2018 Town Council Meeting. The motion was seconded by Mr. Koach and the minutes were unanimously approved.

IV. Mayor's Update:

Mayor Weaver commented on the recent article in the *Island Connection* in which it reports on Kiawah Development Partner's proposal to modify Duneside Road the final plat. To set the record straight he pointed out several errors:

- The conception drawing shown with the article was not approved by the Planning Commission (the Town entity that has the authority to review and approve a plat), but rather a preliminary plat (indicating the proposed layout of a development and related information) was approved.
- The article stating the Architectural Review Board (ARB) and the Kiawah Island Community Association (KICA) has filed paperwork for a road designed to cut between Duneside Road and Beachwalker Drive is incorrect. The developer, Kiawah Partners (KP), is proposing the final plat.
- The article stating that "The mayor's delay order puts several public meetings on the radar. The Town of Kiawah Island (TOKI) meets the first Tuesday of each month, and the planning commission meets every first Wednesday. The delay means the soonest the planning

commission can address the issue is April 4 followed by town council review May 1.” Mayor Weaver pointed out that while it is likely, if no compromise agreement can be reached, the proposed final plat will be an agenda item for the April Planning Commission meeting, it is not correct that review of the proposed final plat by Town Council will follow. State and Town Ordinances affirm that the Planning Commission has the final ruling authority to approve or disapprove a final plat, not Town Council.

Ms. Tillerson stated that the new FEMA Flood Maps discussed at the last meeting have been received. While there is a period to submit appeals or concerns, She stated that she, along with staff, have decided that the Town would not be making a recommendation to appeal the new maps and will let them go forward as they are since they should have no negative bearing on the insurance rates of property owners.

Mayor Weaver gave a brief review of the KICA annual meeting which was held at the Municipal Center last week noting the election of new Directors, Mike Feldman and Sue Shafer along with the new Chairman and Vice Chairman.

V. Citizens’ Comments (Agenda Items Only):

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick stated that in the past, prior to Town Council monthly meetings, the Mayor and Mayor Pro Tem would meet with the KICA Chairman and Vice Chairman. She asked if it has continued and if it will continue.

Mayor Weaver indicated that he will be reaching out to the new Chairman and Vice Chairman if they would like to plan to meet.

Mrs. Kulick stated that while she understands the process of the Planning Commission, but hopes that after hearing all the resident opposition, the members of Town Council would make sure members of the Planning Commission know where they stand on the proposal.

Mrs. Kulick hoped the Members of Council would vote unanimously to support being included in the South Carolina Environmental Law Project Litigation.

VI. Presentations:

A. Lowcountry Go Initiative -

Ms. Vonie Gilreath, BCDCOG Mobility Manager, gave a presentation on the implementation of the new Lowcountry Go Initiative. The Commuter Service Program is a pilot program for the state, and is a collaboration with SCDOT (South Carolina Department of Transportation), and the Federal Highway Administration.

She stated the project areas were selected due to their high volume or congestion during weekday AM and PM peak periods and focused on where 90% of individuals commute alone to

and from work. It was shown that the majority of commuters are traveling to/from Summerville, West Ashley, Mt. Pleasant.

Ms. Gilreath stated the program goals were to reduce traffic congestion and manage future traffic volumes, support sustainable programs that encourage behavior changes among commuters, and bring awareness to existing commuter services and foster relationships with large employers. She explained the working of the website, "ride and go" web app, which allows several different ways to commute that include carpools, vanpools, bike and walk to work and Carta Transit. She pointed out that the program includes a reimbursement program available for registered Ride Low Go commuters who need to need to leave work in an emergency.

Mayor Weaver inquired if the program was limited to the I-26/I-526 corridor or if it was available for other areas. He called attention to the Island's very large employee workforce, some of which drive long distances, suggested this kind of program would be beneficial for the future. Ms. Gilreath stated that a specific but route to Kiawah had been discussed but was considered not to be cost effective at this time. Also discussed, was the future of a park-and-ride on Johns Island.

VII. **Consent Agenda:**
None

VIII. **Old Business:**
None

IX. **New Business:**
A. Approval of Charitable Contributions Funding Recommendations

Mr. Weaver stated that the next four items were reviewed and recommended for Council approval by the Ways and Means Committee.

Mr. Wilson made a motion to approve the Ways and Means recommended Charitable Contributions funding amounts. The motion was seconded by Mrs. Mezzanotte.

Town of Kiawah Island 2018 Charitable Contribution Applications		
Organization's Name:	2018 Funding Request	2018 Town Council Approved
Backpack Buddies Seabrook Island	\$ 2,500.00	\$ 2,000
Barrier Island Free Medical Clinic, Inc	\$ 20,000.00	\$ 20,000
Barrier Island Little League	\$ 4,998.12	\$ 5,000
Begin with Books	\$ 5,000.00	\$ 5,000
Catesby Commemorative Trust, Inc.	\$ 10,000.00	\$ 2,000
Charleston Area Therapeutic Riding	\$ 7,076.00	\$ 7,076
Charleston RISE	\$ 10,000.00	\$ 2,000
Charleston Symphony Orchestra	\$ 15,000.00	\$ 4,500
Gibbes Museum of Art	\$ 25,000.00	\$ 5,085
Kiawah Womens Foundation	\$ 7,000.00	\$ 7,000
Lowcountry Food Bank	\$ 9,450.00	\$ 9,450
Operation Sight	\$ 4,000.00	\$ 4,000
Our Lady of Mercy Community Outreach Services, Inc.	\$ 20,000.00	\$ 20,000
Reading Partners	\$ 5,000.00	\$ 5,000
Respite Care Charleston	\$ 4,000.00	\$ 4,000
Sea Island Habitat for Humanity	\$ 10,000.00	\$ 10,000
Sea Islands Hunger Awareness Foundation	\$ 5,000.00	\$ 3,000
Sweetgrass Garden Co-op	\$ 10,000.00	\$ 10,000
Teachers Supply Closet	\$ 11,000.00	\$ 10,000
Water Wellness Mission	\$ 14,900.00	\$ 14,500
Total Requests	\$ 341,904.12	\$ 149,711
Total Budgeted Funds to be awarded	\$ 150,000.00	\$ 150,000
Amount in excess of Budget	\$ 191,904.12	\$ (289)

Mr. Widuch indicated the recommended funding of the Catesby Commemorative Trust was contingent on receiving additional information. Mayor Weaver indicated the information was received and still had to be reviewed. In the interim the funding amount would remain as a placeholder. Mrs. Mezzanotte made the additional recommendation to fund the Charleston Symphony in the amount of \$4,500.00 and the Gibbes Museum of Art in the amount of \$5,085.00 making a total funding amount of \$149,711.00.

Mr. Wilson amended his motion to approve the Ways and Means recommended Charitable Contributions funding amounts as listed with the exception of the Kiawah Island Woman's Foundation in the amount of \$7,000.00. The motion was seconded by Mrs. Mezzanotte and was unanimously approved.

Mr. Wilson made a motion to approve the Ways and Means recommended funding of Kiawah Island Woman's Foundation in the amount of \$7,000.00. The motion was seconded by Mr. Wilson and was unanimously approved. Mayor Weaver and Mr. Widuch recused themselves from the vote.

B. Approval of the Coastal Science and Engineering Proposal for Beach Monitoring

Mr. Wilson made a motion to approve the proposal from Coastal Science and Engineering for Beach Monitoring in the amount of \$32,500.00 annually over the next three years. The motion was seconded by Mr. Widuch and was unanimously approved.

C. Approval of the Palmetto Gunite Proposal for Bridge Repairs

Mr. Widuch made a motion to approve the proposal from Palmetto Gunite for Repairs to the Kiawah Island Parkway Bridge. The motion was seconded by Mrs. Mezzanotte and was unanimously approved

D. Approval of the Night Heron Park Company Franchise Agreement

Mayor Weaver explained the franchise agreement would allow the Sanctuary Hotel to provide beach chair and umbrella services to their guests in an area along the beach in front of the hotel.

Mr. Widuch made a motion to approve Night Heron Park Company Franchise Agreement. The motion was seconded by Mr. Wilson and was unanimously approved.

E. Arts & Cultural Events Council Appointments

Mrs. Mezzanotte requested the appointment of two new members, David Wohl and Gary Rice, to the Arts and Cultural Events Council.

Mrs. Mezzanotte made a motion to appoint David Wohl and Gary Rice to the Arts and Cultural Event Council. The motion was seconded by Mayor Weaver and unanimously approved

F. To Consider Town's Involvement in South Carolina Environmental Law Project Litigation

Mrs. Mezzanotte recommended the Town participate in the lawsuit with the South Carolina Environmental Law Project.

Mayor Weaver indicated there had been some discussion of the litigation in Executive Session at the last meeting and at the time no conclusion was reached. Since that time, he has reviewed the actions taken by other communities and in speaking with residents, the perception is why the Town would not participate in the lawsuit. Even though the Town has passed two resolutions in opposition to offshore oil exploration, he noted there is a difference in expressing your position and being involved in a lawsuit.

Mayor Weaver stated that if the Town did participate he would like, as Mayor, to have the authority, if the scope of the lawsuit varies from what is currently described, or if communications coming from the lawsuit were no longer consistent with what the Town thinks this group is wanting to do, to withdraw the Town from the lawsuit.

Mrs. Mezzanotte made a motion to authorize the Town's participation as a named entity in SCELPA's proposed litigation against the National Marine Fishery Service under the conditions described by Mayor Weaver. The motion was seconded by Mr. Koach.

Following discussion, Mayor Weaver called for a roll-call vote:

John R. Wilson	No
Chris Widuch	Abstained from voting
Diana Mezzanotte	Yes
Jack Koach	Yes
Craig Weaver	Yes

X. Other Business:
None

XI. Town Administrator's Report:

Ms. Tillerson reported that on March 28, 2018 at 3:00 pm in Council Chambers, The Town and the Conservancy will host Conservation Matters: Kiawah's Wild Side. Wildlife Biologists, Jim Jordan and Aaron Given will feature species to include the American alligator and marsh sparrows. Jim will discuss the Alligator GPS Project and Aaron will discuss the Marsh Sparrow Banding/GPS/Nanotag Project.

XII. Council Member:
a. Committee Updates
b. General Comments

Mr. Koach had no additional comments.

Mr. Widuch reported that the next Public Safety Committee will be vetting the option of working with the Charleston County Sheriff's Office to hire full-time deputies assigned to Kiawah and the annual renewal of the AirMedCare Helicopter Transportation Contract.

Mr. Wilson had no additional comments.

Mrs. Mezzanotte reported that the Arts and Cultural Event Council has completed its planning for the 2018/2019 Season and are finalizing the events.

Mr. Koach questioned if any steps had been taken against the former auditors for the Town at the time the former Town Administrator and Treasurer committed the fraud they have been indicted for. Mr. Green indicated discussions were held with the present and forensic auditors to provide information with regard to the filing of a claim. He indicated there is an opinion that the former auditors may be responsible for errors and omissions in failing to identify red flag items calling attention to potential fraud. He stated that he will follow-up to make sure that all necessary steps are taken to put the former auditors on notice and to move forward to filing a formal claim.

As an update of the status of the indictment of the former Town Administrator and Treasurer, Mr. Green reviewed the steps in the indictment process and indicated that the discovery period was now ongoing and was nearing the end. He stated that, by the next Council meeting, he would follow up with the State's Attorney on the next steps.

XIII. Citizens' Comments:

David Elliott – Catesby Commemorative Trust, Inc.

Mr. Elliott indicated that he forwarded the additional information Council requested on his Charitable Contribution request via email yesterday.

Mayor Weaver confirmed that the information was received.

Marilyn Larach – 1082 Terrapin Court

Ms. Larach, Vice President of the Cottage Owners Association, stated she wanted to comment on the issue being raised by Kiawah Partners to reverse a previous decision of the Planning Commission and open Duneside Road to connect it to Beachwalker Drive. She noted that the road is used by residents and guests to walk to the community pool and to access the beach. She expressed her concerns with the safety issues with opening the very narrow, curvy road with a very sharp 90-degree curve to the traffic from the large development currently being constructed.

John Connolly – 1020 Scaup Court

Mr. Connolly wanted to follow-up the concerns expressed by Ms. Larach. He echoed her horror at wanting to open this quiet, winding, dead-end, neighborhood road to all the traffic that new development in the area will bring. He pointed out that when Duneside Drive was built in the early 1970s, there was never any anticipation of this amount of traffic. Mr. Connolly also expressed his concern with the limited sightlines on the road that is used by residents walking and biking in the road, many with playing children in tow.

Jim Girardo – 1039 Warbler Court

Mr. Girardo also expressed his concern with the opening of Duneside Road. He stated opening Duneside road to all the traffic new development brings with it will turn the quiet street into

another Governors Drive. He made a comparison to the dangers of having people walking in the middle of Governors Drive, and asked for consideration for the children and grandchildren that will be traveling on Duneside.

David DeStefano – 82 Burrows Hall

Mr. DeStefano stated that he has traveled on Duneside Road and noted that 15 mph is almost too fast for travel on the road even with the knowledge to use caution. He stated that the Public Works Committee has identified the potential of a righthand turn lane into the County Park to alleviate traffic on Beachwalker Drive.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill commented on filing a claim against the Town's former auditors, whose services, by his research, goes back to 2009. He stated that the present auditors should be consulted on their opinion if there are grounds for filing a suit that is sustainable.

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick commended those who have passionately spoken out on opening Duneside Road and the critical public safety and liability issues that would be raised.

Mrs. Kulick indicated she would like to ask a procedural question on the earlier discussion to participate in the SCEL P lawsuit. She stated the entire Council took a vote to join the lawsuit, and should the entire Council not have to vote to withdraw from the suit rather than the sole recommendation of one person.

Mrs. Kulick stated that at the Ways and Means Budget workshop discussion of next year's budget there was a recommendation for staff that Council consider changing the way Solid Waste is subsidized. She indicated that it was her understanding that in July those using the upgraded backdoor services would lose the subsidy. She asked for consideration that the subsidy not be changed.

Roger Warren – 39 Cotton Hall

Mr. Warren stated he appreciated the emotion and presentations made about the Duneside Road connection. He asked that, in attempt to gain a better understanding, the Mayor clarify who has the legal authority to impact this decision and what can and cannot be legally done relative to zoning and plat rights. He noted that there are some legal questions on if this action can be stopped, as a matter of right and a matter of law, and would like to have it clarified.

Mayor Weaver addressed the Duneside question by explaining where he stands on the issue and speculated on how he sees the issue moving forward over the next several weeks. He stated he was not speaking for the entire Town Council, and has tried to be clear in a number of forums that the recommended plat that was provided as a final plat to the Planning Commission was not something he personally supported.

Mayor Weaver stated that he has read all the emails sent to him regarding the concerns over security issues and the gate and that those worries go beyond those residents in the Sparrow Pond and Duneside neighborhoods who have clearly and consistently articulated their concerns especially as they relate to public safety.

Mayor Weaver stated that he was reasonably sure members of Council, including the Town Attorney, at some point have driven to Duneside so they have a clear understanding of the concerns that have been raised. He indicated that this needs to move forward in a thoughtful way, and stated he has encouraged the developers along with Timbers, the Community Association and also encouraged the involvement of area residents, to get input and evaluate alternatives.

Mayor Weaver stated that as an answer to the question of where people should be directing their concerns and issues, he felt those should be directed to the developer and to the Community Association.

Mayor Weaver stated that ultimately this decision will come to the Planning Commission. He stated that he believes there are questions about the authority of the Planning Commission that have not been resolved but is confident in the members' ability. He will try to clarify those questions in future communications prior to the April meeting.

XIV. **Executive Session:**
None

XV. **Adjournment:**

Mr. Koach motioned to adjourn the meeting at 3:40 pm. The motion was seconded by Mr. Widuch and carried unanimously.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date

Town of Kiawah Island Zoning Ordinance Text Amendment Request
Case ZLDR-01-18-00108 &
Case ZREZ-01-18-00076 History

Planning Commission Meeting: March 7, 2018
Public Hearing and First Reading: April 3, 2018
Second Reading: May 8, 2018

CASE INFORMATION

Applicant/ Property Owner: Eagle Point Partners, LLC

Representative: Ray Pantlik

Location: 248 Eagle Point Rad

Parcel Identification: 265-02-00-162

Property Size: 11.53 acres total; (2.775 highland acres)

Zoning District: R-1, Residential

Key Location Designation: G, Eagle Point, East (1,100 linear feet of Authorized Shoreline)

Application: The applicant/property owner is requesting to amend the Land Use Planning and Zoning Ordinance, Sec. 12-78. Dock Key Locations to allow a floating dock for property located at 248 Eagle Point Road. The property currently contains a fixed dock (Key Dock Designation G). The applicant/property owner is requesting this amendment to allow a floating dock (Key Dock Designation 36) for the property. (TMS# 265-02-00-162).

The proposed amendment would add to *Table 2N. Town of Kiawah Island Key Locations Floating Docks* a new Key Location Designation 36, Eagle Point East, with an authorized shoreline of 200 linear feet, and one authorized floating dock at Lot 248.

The proposed amendment would modify *Table 2O. Town of Kiawah Island Key Locations Fixed Docks* the existing Key Location Designation G, Eagle Point, East, reducing the authorized shoreline linear feet from 1,100 linear feet to 600 linear feet.

Land Use Information: The subject property is vacant and does not include a constructed dock. Included are two critical line surveys showing the irregular lot shape and make up of highland and marsh area. The subject property's most recent critical line survey certified on November 30, 2016, shows critical area between the main buildable area and the property northwest extents.

The applicant has submitted preliminary permit drawings from DHEC-OCRM that detail a proposed low profile five foot wide non-vehicular bridge showing how the main building site portion of the property will be linked to the proposed dock site.

The proposed Zoning Ordinance Text Amendment corresponds to the proposed Zoning Map Amendment of the Kiawah Island Key Locations Map and are attached to this report.

The proposed corresponding map amendment would respectively modify Section 12-62 Zoning Map, the Town of Kiawah Island Key Locations Map (Exhibit 12A-2), mapping the location of the proposed Key Location Designation 36, Eagle Point East and amending the current Key Location Designation G.

RECOMMENDATION BY THE PLANNING COMMISSION

Section 12-158(3) of the *Zoning Ordinance* states "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-126. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of the Planning Commission members present and voting shall be required to approve the amendment."

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Section 12-158(5) states "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendments until the Town Council has rendered its decision on the proposed amendment."

APPROVAL CRITERIA AND APPLICANT'S RESPONSE

Pursuant to §12-158(6) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment is consistent with the purposes and intent of the Town of Kiawah Island Comprehensive Plan;

Applicant's Response: "The proposed text and map amendment is consistent with the purposes and intent of the adopted Town of Kiawah Island Comprehensive Plan. Specifically, page V-25 of the Plan provides that the purpose of the Dock Key Locations Ordinance 2003-5 is to control the location and installation of all docks to prevent the uncontrolled proliferation of docks. The proposed amendment is consistent with this purpose since this request is simply moving the location where a dock can be built on the property with no increase in the number of docks allowed. The Ordinance also provides design criteria for docks which are met with a dock at the requested location."

- B. The proposed amendment is consistent with the purposes and intent of this article;

Applicant's Response: "The proposed amendment is consistent with the purposes and intent of this article, specifically Section 12-78, Dock Key Locations. The proposed amendment seeks to add a Key Location in a location where all the design criteria within Section 12-78 (b)(6) can be met while seeking to eliminate a portion of a Key Location where a dock would not meet the design criteria."

- C. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;

Applicant's Response: "The proposed amendment satisfies the above requirement by complying with the overall goals of the Comprehensive Plan and the Land Use Planning and Zoning Ordinance of the Town of Kiawah Island."

- D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

Applicant's Response: "As noted in the letter of intent there is a greater land area above the critical line and the mean high-water line than what appears on the Key Locations Map from 2005. Additionally, the portion of the existing Key Location G that is on the property is not in a suitable location to meet the Town's design criteria for a dock."

MARCH 7, 2018 PLANNING COMMISSION MEETING

Notifications:

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcels and individuals on the Kiawah/Seabrook Community Interest Group on February 16, 2018. A sign was also posted on the subject property on February 16, 2018. Additionally, this request was noticed in the Post & Courier on February 18, 2018.

Planning Commission Vote: Recommendation of approval passed by a vote of 6 to 0.

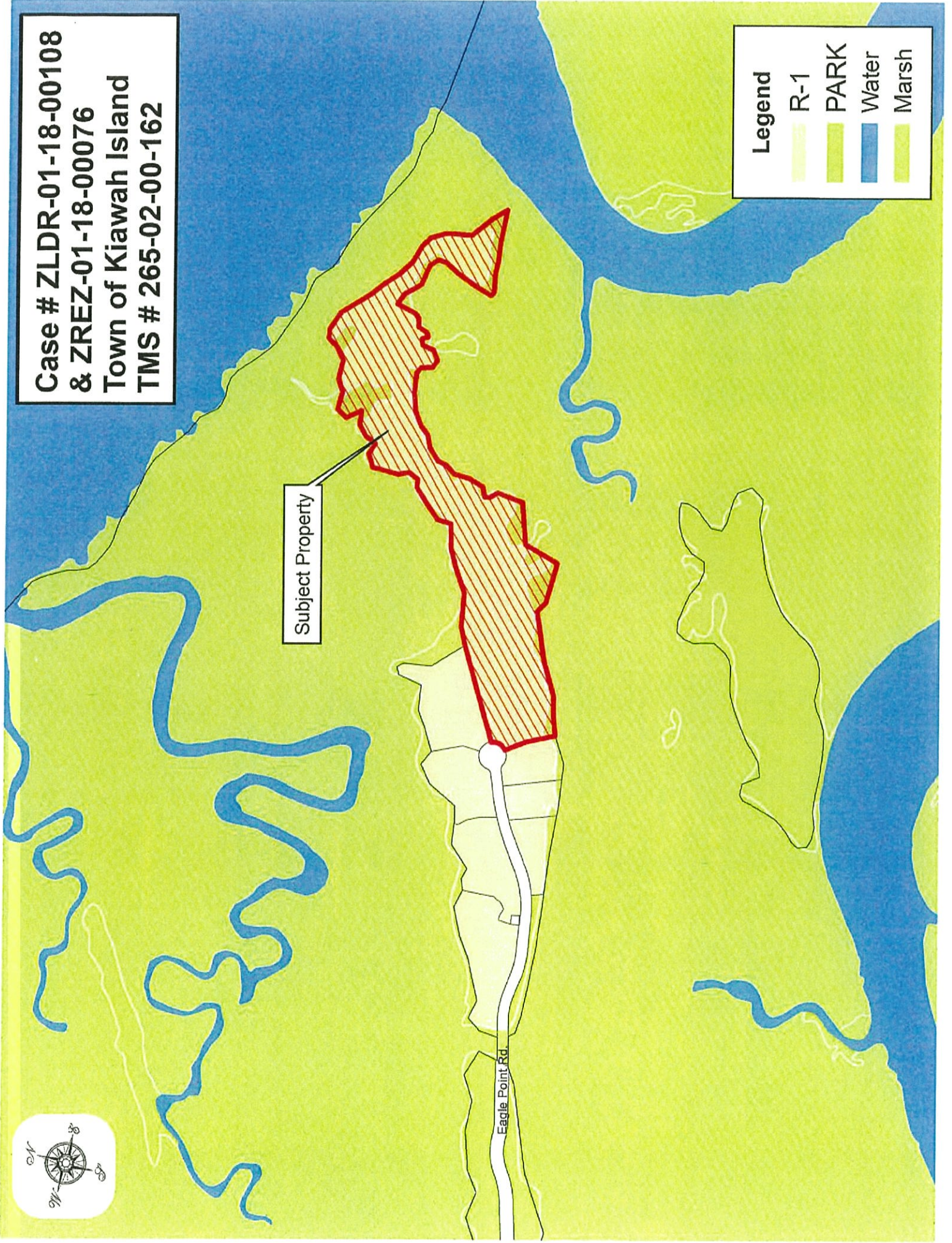
Case # ZLDR-01-18-00108
& ZREZ-01-18-00076
Town of Kiawah Island
TMS # 265-02-00-162

Subject Property

Eagle Point Rd.

Legend

- R-1
- PARK
- Water
- Marsh



Section 12-78. Dock Key Locations

Table 2N. Town of Kiawah Island Key Locations Floating Docks

Key Location		Authorized Shoreline (linear ft.)	Docks Authorized	
Designation ^(a)	Location		Nos.	Site ^(b) /Use
33	Ocean Course Drive	500	1	Lot Nos. 64 and 65
34	Club Cottages		3	Lot Nos. 6, 7 and 8
35	Cougar Island, E. Tip	1,100	TBD	Cougar Island, E. Tip
36	Eagle Point East	200	1	Lot 248
^(a) Numerals indicate floating docks and letters indicate fixed docks.				
^(b) Numerals with slash, e.g., " 21/22 " typically indicates that two lots share a single dock.				
^(c) Neighborhood docks serve just the local area or regime.				
^(d) Commercial dock is owned by Kiawah Island Golf Resort.				
^(e) Community docks are KICA property and serve the entire island.				

* Create new floating dock Key Location Designation #36

Section 12-78. Dock Key Locations

Table 2O. Town of Kiawah Island Key Locations Fixed Docks

Key Location		Authorized Shoreline (linear ft.)	Docks Authorized	
Designation ^(a)	Location		Nos.	Site ^(b) /Use
A	Old Dock Rd./Ruddy Turnstone		6	Lot Nos. 500, 512, 513, 514, 515 and 517
B	The Settlement, East	1,050	TBD	The Settlement, East
C	Bass Pond, East		1	Bass Pond Community Dock ^(c)
D	Terrapin Island		1	Lot No. 15
E	Blue Heron, North		1	Lot No. 158
G	Eagle Point, East	1,100 600	TBD	Eagle Point, East
H	Falcon Point Rd., East		1	Lot No. 67

* Modify authorized shoreline of existing Key Location Designation G

Town of Kiawah Island Zoning Ordinance Text Amendment Request
Case ZLDR-01-18-00108 &
Case ZREZ-01-18-00076 History

Planning Commission Meeting: March 7, 2018
Public Hearing and First Reading: April 3, 2018
Second Reading: May 8, 2018

CASE INFORMATION

Applicant/ Property Owner: Eagle Point Partners, LLC

Representative: Ray Pantlik

Location: 248 Eagle Point Rad

Parcel Identification: 265-02-00-162

Property Size: 11.53 acres total; (2.775 highland acres)

Zoning District: R-1, Residential

Key Location Designation: G, Eagle Point, East (1,100 linear feet of Authorized Shoreline)

Application: The applicant/property owner is requesting to amend the Land Use Planning and Zoning Ordinance, Sec. 12-78. Dock Key Locations to allow a floating dock for property located at 248 Eagle Point Road. The property currently contains a fixed dock (Key Dock Designation G). The applicant/property owner is requesting this amendment to allow a floating dock (Key Dock Designation 36) for the property. (TMS# 265-02-00-162).

The proposed amendment would add to *Table 2N. Town of Kiawah Island Key Locations Floating Docks* a new Key Location Designation 36, Eagle Point East, with an authorized shoreline of 200 linear feet, and one authorized floating dock at Lot 248.

The proposed amendment would modify *Table 2O. Town of Kiawah Island Key Locations Fixed Docks* the existing Key Location Designation G, Eagle Point, East, reducing the authorized shoreline linear feet from 1,100 linear feet to 600 linear feet.

Land Use Information: The subject property is vacant and does not include a constructed dock. Included are two critical line surveys showing the irregular lot shape and make up of highland and marsh area. The subject property's most recent critical line survey certified on November 30, 2016, shows critical area between the main buildable area and the property northwest extents.

The applicant has submitted preliminary permit drawings from DHEC-OCRM that detail a proposed low profile five foot wide non-vehicular bridge showing how the main building site portion of the property will be linked to the proposed dock site.

The proposed Zoning Ordinance Text Amendment corresponds to the proposed Zoning Map Amendment of the Kiawah Island Key Locations Map and are attached to this report.

The proposed corresponding map amendment would respectively modify Section 12-62 Zoning Map, the Town of Kiawah Island Key Locations Map (Exhibit 12A-2), mapping the location of the proposed Key Location Designation 36, Eagle Point East and amending the current Key Location Designation G.

RECOMMENDATION BY THE PLANNING COMMISSION

Section 12-158(3) of the *Zoning Ordinance* states "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-126. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of the Planning Commission members present and voting shall be required to approve the amendment."

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Section 12-158(5) states "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendments until the Town Council has rendered its decision on the proposed amendment."

APPROVAL CRITERIA AND APPLICANT'S RESPONSE

Pursuant to §12-158(6) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment is consistent with the purposes and intent of the Town of Kiawah Island Comprehensive Plan;

Applicant's Response: "The proposed text and map amendment is consistent with the purposes and intent of the adopted Town of Kiawah Island Comprehensive Plan. Specifically, page V-25 of the Plan provides that the purpose of the Dock Key Locations Ordinance 2003-5 is to control the location and installation of all docks to prevent the uncontrolled proliferation of docks. The proposed amendment is consistent with this purpose since this request is simply moving the location where a dock can be built on the property with no increase in the number of docks allowed. The Ordinance also provides design criteria for docks which are met with a dock at the requested location."

- B. The proposed amendment is consistent with the purposes and intent of this article;

Applicant's Response: "The proposed amendment is consistent with the purposes and intent of this article, specifically Section 12-78, Dock Key Locations. The proposed amendment seeks to add a Key Location in a location where all the design criteria within Section 12-78 (b)(6) can be met while seeking to eliminate a portion of a Key Location where a dock would not meet the design criteria."

- C. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;

Applicant's Response: "The proposed amendment satisfies the above requirement by complying with the overall goals of the Comprehensive Plan and the Land Use Planning and Zoning Ordinance of the Town of Kiawah Island."

- D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

Applicant's Response: "As noted in the letter of intent there is a greater land area above the critical line and the mean high-water line that what appears on the Key Locations Map from 2005. Additionally, the portion of the existing Key Location G that is on the property is not in a suitable location to meet the Town's design criteria for a dock."

MARCH 7, 2018 PLANNING COMMISSION MEETING

Notifications:

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcels and individuals on the Kiawah/Seabrook Community Interest Group on February 16, 2018. A sign was also posted on the subject property on February 16, 2018. Additionally, this request was noticed in the Post & Courier on February 18, 2018.

Planning Commission Vote: Recommendation of approval passed by a vote of 6 to 0.

Case # ZLDR-01-18-00108
& ZREZ-01-18-00076
Town of Kiawah Island
TMS # 265-02-00-162

Subject Property

Eagle Point Rd.

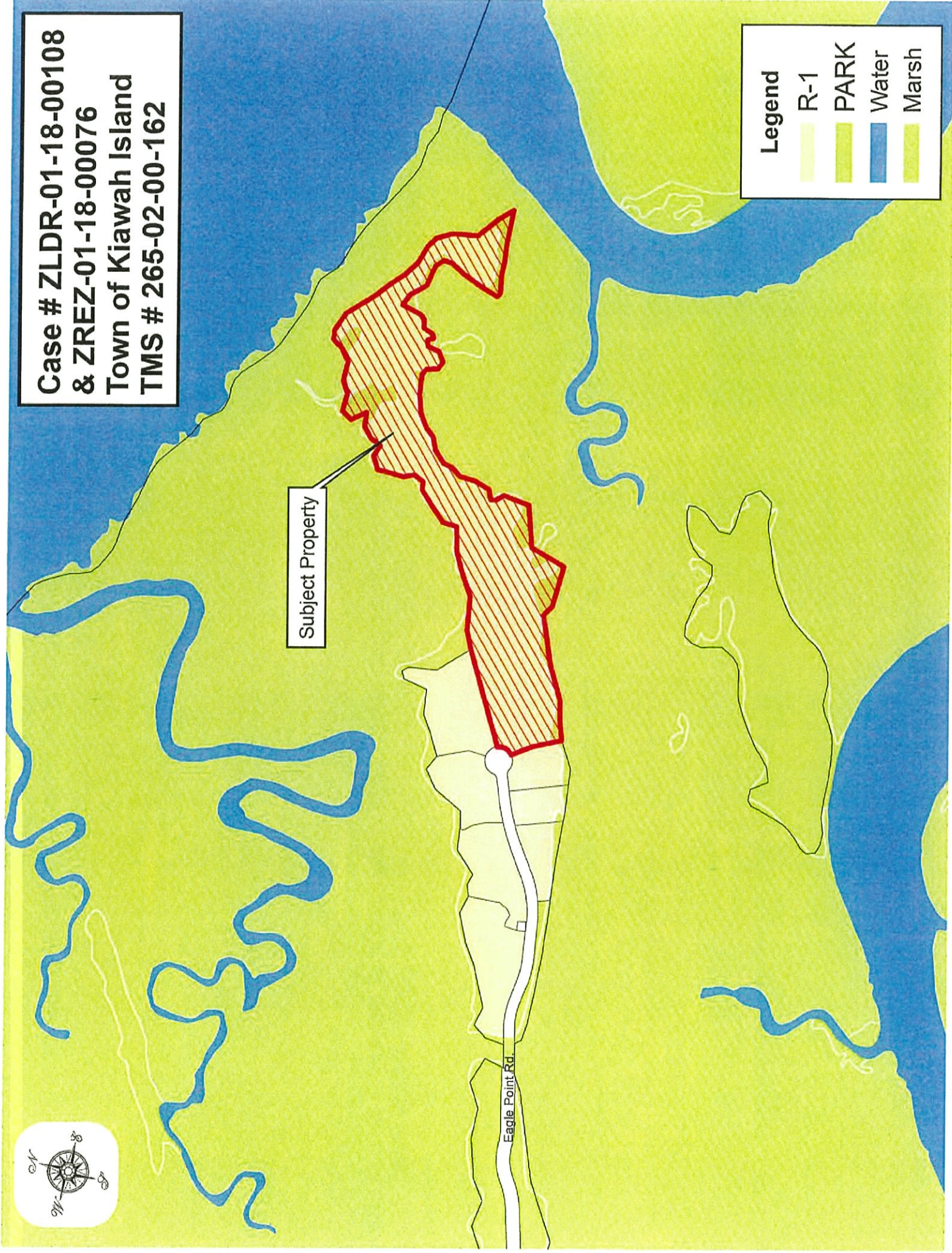
Legend

R-1

PARK

Water

Marsh





Town of Kiawah Island Comprehensive Plan Amendment Request
Case ACP-01-18-00111 History

Planning Commission Meeting: March 7, 2018
Public Hearing and First Reading: April 3, 2018
Second Reading: May 8, 2018

CASE INFORMATION

Applicant/Owner: The Ocean Course Golf Club, LTD

Representative: Mark Permar

Location: Ocean Course Drive

Parcel Identification: 265-16-00-184

Property Size: 28.753 acres

Application: The applicant is requesting to amend the Town of Kiawah Island Comprehensive Plan by creating a new Future Land Use Category Active Recreation, Residential and Open Space; and 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 from "Active Recreation and Open Space" to "Active Recreation, Residential and Open Space."

The Comprehensive Plan defines Active Recreation and Open Space Future Land Use Category as "This category provides and is intended to promote the development of community parks and recreational facilities including parks, golf courses, and tennis courts. This category also provides for lands that are intended to remain in their natural state; this includes land that have been protected through conservation easements or that are publicly or privately owned. Some examples include the Tennis Center, Night Heron Park, and the Property Owners Beach and Recreation Center."

The applicant proposes to create a new Future Land Use Category in Section 3. g. Land Use Element – IX and to be read as follows:

"Active Recreation, Residential and Open Space This proposed new Future Land Use category would allow for limited residential development within the framework of significant recreation and open space. This will be consistent with a goal of balanced responsible high quality development within a natural setting."

Adjacent Properties: The Comprehensive Plan designates the subject property as Active Recreation and Open Space. The adjacent properties to the south are also designated Active Recreation and Open Space. The adjacent properties to the north are designated Active Recreation and Open Space and Medium Density Residential.

The subject property is the immediate site of the existing Ocean Course Golf Clubhouse. The subject property was subdivided from the parent Ocean Course tract and a final plat was recorded on November 17, 2017.

RECOMMENDATION BY THE PLANNING COMMISSION

Section 12-157(4) of the *Zoning Ordinance* states "The Planning Commission shall review the proposed amendment and adopt a resolution recommending that the Town Council approve, approve with conditions the proposed amendment, based on the approval criteria of subsection (7) of this section. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. A simple

majority vote of Planning Commission members present and voting shall be required to approve the amendment. Following an unfavorable finding on the application, the Planning Commission shall notify the applicant and report the reasons for the finding."

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Section 12-157(6) states "Following receipt of a copy of the proposed comprehensive plan text or land use diagram amendment from the Planning Commission, along with the Planning Commission's report and recommendation, the Town Council shall schedule one or more public hearings in accordance with State Law to decide whether to adopt the amendment. For amendments to the land use diagram, personal and posted notice also shall be given in the manner provided in section 12-156. Any time after the close of the public hearing, Town Council shall act to approve, approve with conditions, or deny the proposed comprehensive plan amendment, based on the approval criteria of subsection (7) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment."

APPROVAL CRITERIA AND APPLICANT'S RESPONSE

Pursuant to §12-157(7) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, "Comprehensive Plan amendments may be approved by the Town Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the comprehensive plan. Any amendment to the land use diagram and/or other maps shall be consistent with the vision and goals in the text of the comprehensive plan."

The applicant's letter of intents states, *"The proposed text and map amendment of Land Use Element-IX, Map IX.2 Future Land Use to create the Active Recreation, Residential and Open Space land use category is intended to allow for the sensitive integration of recreation and open space uses with limited residential. It is customary with some of the great golf courses in the world to have unique residential uses associated within clubhouse grounds venues. The addition of the new category will allow for the proper flexibility to integrate residential within The Ocean Course. The proposed Future Land Use Category Active Recreation, Residential and Open Space is consistent with goals and intent of the Comprehensive Plan as addressed in the following criteria:*

(7) Approval Criteria. Comprehensive Plan amendments may be approved by the Town Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the comprehensive plan. Any amendment to the land use diagram and/or other maps shall be consistent with the vision and goals in the text of the comprehensive plan.

The proposed new category of Active Recreation, Residential and Open Space and the assignment of the category to The Ocean Course lands would allow for limited residential development within the framework of significant recreation and open space. This will be consistent with a goal of balanced responsible high quality development within a natural setting. The proposed amendment will be consistent with the Town vision of '... residential community incorporating a world-class resort...' and Goal 1 of the Comprehensive Plan of enhancing the residential character of the Town. Additionally, the proposed text and map amendment is consistent with the existing provisions of 2015 Development Agreement, which provides for limited residential development within the grounds of The Ocean Course."

MARCH 7, 2018 PLANNING COMMISSION MEETING

Notifications:

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcels and individuals on the Kiawah/Seabrook Community Interest Group on February 16, 2018. A sign was also posted on the subject property on February 16, 2018. Additionally, this request was noticed in the Post & Courier on February 18, 2018.

Planning Commission Vote: Recommendation of approval passed by a vote of 6 to 0.

Town of Kiawah Island Future Land Use









Subject Property

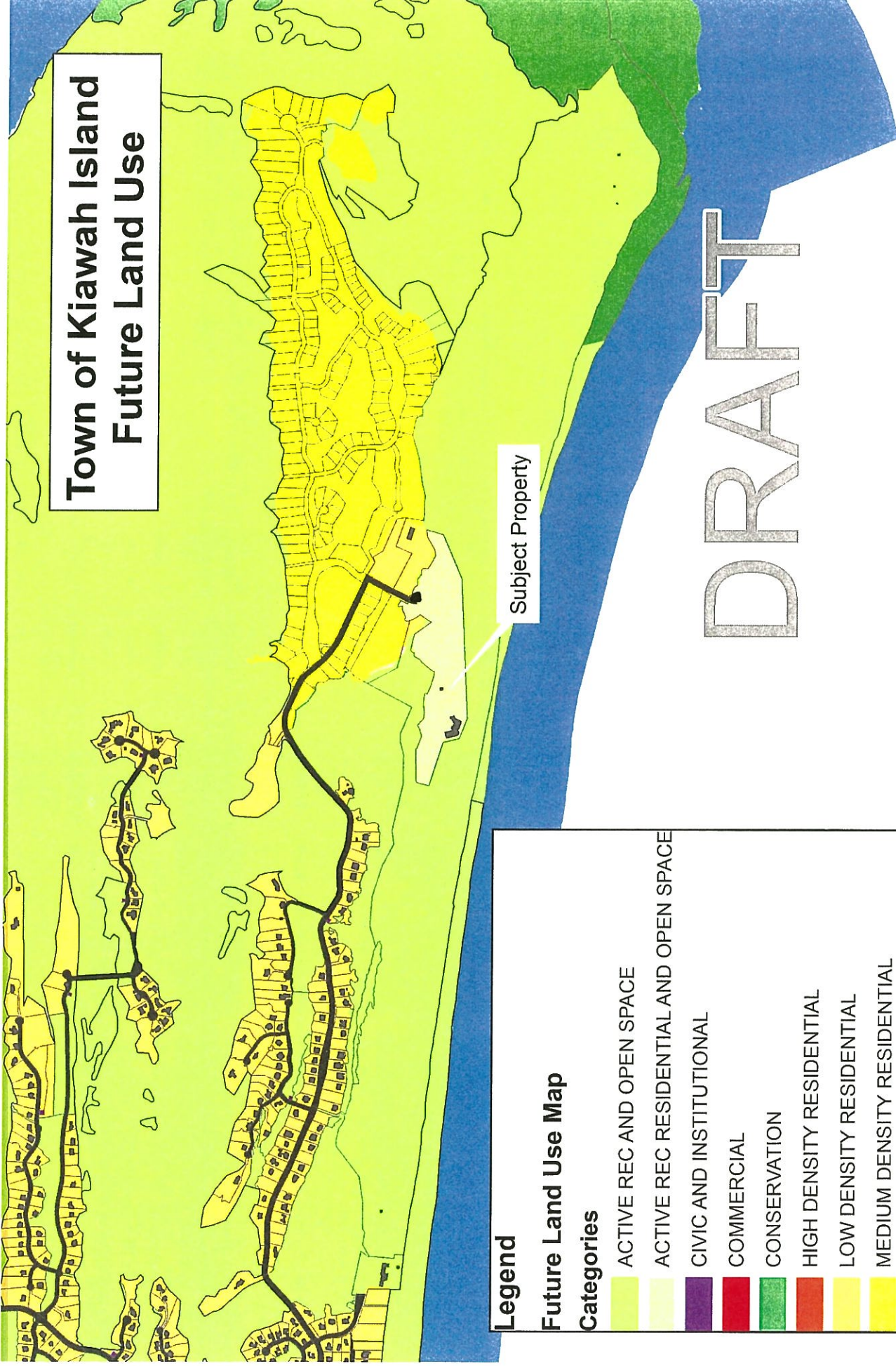
DRAFT

Legend

Future Land Use Map

Categories

	ACTIVE REC AND OPEN SPACE
	ACTIVE REC RESIDENTIAL AND OPEN SPACE
	CIVIC AND INSTITUTIONAL
	COMMERCIAL
	CONSERVATION
	HIGH DENSITY RESIDENTIAL
	LOW DENSITY RESIDENTIAL
	MEDIUM DENSITY RESIDENTIAL
	MIXED USE
	RESORT
	RIGHT-OF-WAY



Town of Kiawah Island Zoning Ordinance Text Amendment Request
Case ZLDR-01-18-00109 History

Planning Commission Meeting: March 7, 2018
Public Hearing and First Reading: April 3, 2018
Second Reading: May 8, 2018

CASE INFORMATION

Applicant/Owner: The Ocean Course Golf Club, LTD

Representative: Mark Permar

Application: The applicant is requesting to amend the Land Use Planning and Zoning Ordinance, Sec. 12-61. Establishment of Zoning Districts, by creating a new zoning district: PR-OC, Parks and Recreation - Ocean Course. The purpose of the PR-OC district is to provide community parks and recreation facilities, including parks, open spaces, golf courses, tennis courts, and limited residential associated with the golf course operation.

"The proposed text amendment to create the new PR-OC district is intended to allow for the sensitive integration of existing PR uses with limited residential. The addition of the PR-OC district with proposed standards will allow for the proper flexibility to integrate residential within the Ocean Course."

The new zoning classification would correspond to the proposed Active Recreation, Residential, and Open Space Land Use Category and would allow by right all the uses listed below:

Permitted Uses

- All uses permitted in PR, Parks and Recreation
Typical uses allowed include:
 - Community recreation
 - Parks
 - Golf Courses
 - Botanical Gardens
 - Historical Sites
 - Nature Exhibitions
- Residential, including single-family detached, single-family attached (townhomes or patio homes), duplex, or multi-family (including townhomes and apartments)

Lot Standards - Density:

The maximum dwelling units for the proposed district shall be no greater than twenty-six (26) dwelling units total, of which no more than six (6) may be single family attached, duplexes or multi-family. The PR-OC zoning district proposes a maximum residential density of no more than one (1) dwelling unit per 1.1 acres. Up to six dwelling units may be attached to and integrated with non-residential buildings, but there shall be no more than four (4) dwelling units in any building within the proposed district.

The proposed Zoning Ordinance Text Amendments to add the proposed PR-OC, Parks and Recreation - Ocean Course Zoning District are attached to this report.

RECOMMENDATION BY THE PLANNING COMMISSION

Section 12-158(3) of the *Zoning Ordinance* states "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-126. The Planning Commission's recommendation shall be based on the

approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of the Planning Commission members present and voting shall be required to approve the amendment."

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Section 12-158(5) states "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendments until the Town Council has rendered its decision on the proposed amendment."

APPROVAL CRITERIA AND APPLICANT'S RESPONSE

Pursuant to §12-158(6) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment is consistent with the purposes and intent of the Town of Kiawah Island Comprehensive Plan;

Applicant's Response: "The proposed uses are compatible in type and character with the diverse uses presently allowed within the PR district and, with appropriate density limits, would allow for a more flexible way to integrate high-end residential in a unique setting of Kiawah Island. The new district will allow for a use pattern that enhances the stated town vision of '...a residential community incorporating a world class resort...' The Ocean Course is world class and the new district will allow for continued enhancement of the guest experience."

- B. The proposed amendment is consistent with the purposes and intent of this article;

Applicant's Response: "The proposed amendment is consistent with the purposes as described in Sec. 12-20. Authority and Purpose with particular attention to the following select initiatives:

(1) Implementing the vision and goals of the Comprehensive Plan of a "...RESIDENTIAL COMMUNITY INCORPORATING A WORLD CLASS RESORT..."

(5) Implementing land use policies that will preserve the natural character of the Town of Kiawah Island by responsibly regulating the use of buildings

(7) Promoting desirable living"

- C. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;

Applicant's Response: "The proposed new district will provide a more flexible way to integrate residential presently permitted within The Ocean Course as identified within the 2010 Development Agreement. Additionally, the proposed new district will allow for integrated uses that may result in less intra-island traffic of guests that use The Ocean Course facilities and prefer to remain onsite."

- D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

Applicant's Response: "The proposed amendment does not correct an error or inconsistency; however, it does address a need as a result of the growing reputation of The Ocean Course as Kiawah Island's contribution to world class golf. The course has been the venue for two of golf's most significant sporting events, as well as the upcoming 2021 PGA and is anticipated to continue to be a part of future golf history. This change in condition is the result of a collaborative effort by the community and Kiawah Island Golf Resort to continue to elevate the island guest and resident experience."

MARCH 7, 2018 PLANNING COMMISSION MEETING

Notifications:

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcels and individuals on the Kiawah/Seabrook Community Interest Group on February 16, 2018. A sign was also posted on the subject property on February 16, 2018. Additionally, this request was noticed in the Post & Courier on February 18, 2018.

Planning Commission Vote: Recommendation of approval passed by a vote of 6 to 0.

Legend:

Text = new text

~~Text~~ = deleted text

Sec. 12-72.1 - PR, Parks and Recreation – Ocean Course District.

- (a) *Purpose and intent.* The purpose of the PR, Parks and Recreation District is to provide community parks and recreation facilities, including parks, open spaces, golf courses, and tennis courts **and limited residential associated with the golf course operation**. This district provides for both active and passive use of land. Accessory structures which support or compliment the parks/recreation use may be permitted as conditional or special exception uses.
- (b) *District regulations.* The following apply to the PR zoning district:
- (1) Lot standards (setbacks, lot coverage, etc.) for accessory structures in this district are listed in table 2L in this subsection (b);
 - (2) Authorized uses for this district are listed in table 3A in section 12-102(c);
 - (3) Parking standards are given in section 12-128.
 - (4) **Maximum Dwelling Units for this district shall be no greater than twenty-six (26) Dwelling units total, of which no more than six (6) may be single family attached, duplexes or multi-family.**
 - (5) **Maximum residential density shall be no more than one (1) Dwelling unit per 1.1 acres.**
 - (6) **Up to six dwelling units may be attached to and integrated with non-residential buildings, but there shall be no more than four (4) Dwelling units in any building within this district.**

Table 2L. Lot Standards for Accessory Structures in the PR, Parks and Recreation Zoning District, and PR-OC Zoning District		
Minimum area (square feet) ⁽¹⁾		20,000
Minimum lot depth (feet)		120
Minimum width (feet)		150
Maximum floor area ratio		0.2
Maximum lot coverage		70 percent
Maximum height		
	Stories	2
	Feet	35
Minimum setbacks (feet) ⁽²⁾		
	Front	25
	Side	25
	Rear	25
⁽¹⁾ Smaller lots for accessory structures may be permitted by the TownCouncil as part of a planned development.		
⁽²⁾ Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.		

(Code 1993, § 12A-212; Ord. No. 2005-08, § 12A-212, 10-12-2005)

Town of Kiawah Island Zoning District Map Amendment Request
Case ZREZ-01-18-00077 History

Planning Commission Meeting: March 7, 2018
Public Hearing and First Reading: April 3, 2018
Second Reading: May 8, 2018

CASE INFORMATION

Applicant/Owner: The Ocean Course Golf Club, LTD

Representative: Mark Permar

Location: Ocean Course Drive

Parcel Identification: 265-16-00-184

Property Size: 28.753 acres

Application: The applicant is requesting to amend the zoning district map for the subject property from the Parks and Recreation (PR) Zoning District to the proposed Parks and Recreation – Ocean Course Zoning District.

Zoning and Land Use Information:

The subject property was subdivided from the parent Ocean Course tract and a final plat was recorded on November 17, 2017. The subject property is currently zoned Parks and Recreation and falls under the Resort Overlay District. Adjacent properties and properties within the vicinity fall into the Parks and Recreation and R-2 Residential zoning districts; and the properties to the far east of the Island are zoned Conservation.

The subject property contains the current Kiawah Island Golf Resort's Ocean Course and Ocean Course Clubhouse (PGA Golf Tournaments). Most of the adjacent properties to the north are undeveloped or contain residential uses.

RECOMMENDATION BY THE PLANNING COMMISSION

Section 12-158(3) of the *Zoning Ordinance* states "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of the Planning Commission members present and voting shall be required to approve the amendment."

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Section 12-157(5) states "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendments until the Town Council has rendered its decision on the proposed amendment."

APPROVAL CRITERIA AND APPLICANT'S RESPONSE

Pursuant to §12-158(6) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment is consistent with the purposes and intent of the Town of Kiawah Island Comprehensive Plan;
Applicant's Response: "The proposed uses are compatible in type and character with the diverse uses presently allowed within the PR district and, with appropriate density limits, would allow for a more flexible way to integrate high-end residential in a unique setting of Kiawah Island. The new district will allow for a use pattern that enhances the stated town vision of '...a residential community incorporating a world class resort...' The Ocean Course is world class and the new district will allow for continued enhancement of the guest experience."
- B. The proposed amendment is consistent with the purposes and intent of this article;
Applicant's Response: "The proposed amendment is consistent with the purposes as described in Sec. 12-20. Authority and Purpose with particular attention to the following select initiatives:
(1) Implementing the vision and goals of the Comprehensive Plan of a "...RESIDENTIAL COMMUNITY INCORPORATING A WORLD CLASS RESORT..."
(5) Implementing land use policies that will preserve the natural character of the Town of Kiawah Island by responsibly regulating the use of buildings
(7) Promoting desirable living"
- C. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;
Applicant's Response: "The proposed new district will provide a more flexible way to integrate residential presently permitted within The Ocean Course as identified within the 2010 Development Agreement. Additionally, the proposed new district will allow for integrated uses that may result in less intra-island traffic of guests that use The Ocean Course facilities and prefer to remain onsite."
- D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.
Applicant's Response: "The proposed amendment does not correct an error or inconsistency; however, it does address a need as a result of the growing reputation of The Ocean Course as Kiawah Island's contribution to world class golf. The course has been the venue for two of golf's most significant sporting events, as well as the upcoming 2021 PGA, and is anticipated to continue to be a part of future golf history. This change in condition is the result of a collaborative effort by the community and Kiawah Island Golf Resort to continue to elevate the island guest and resident experience."

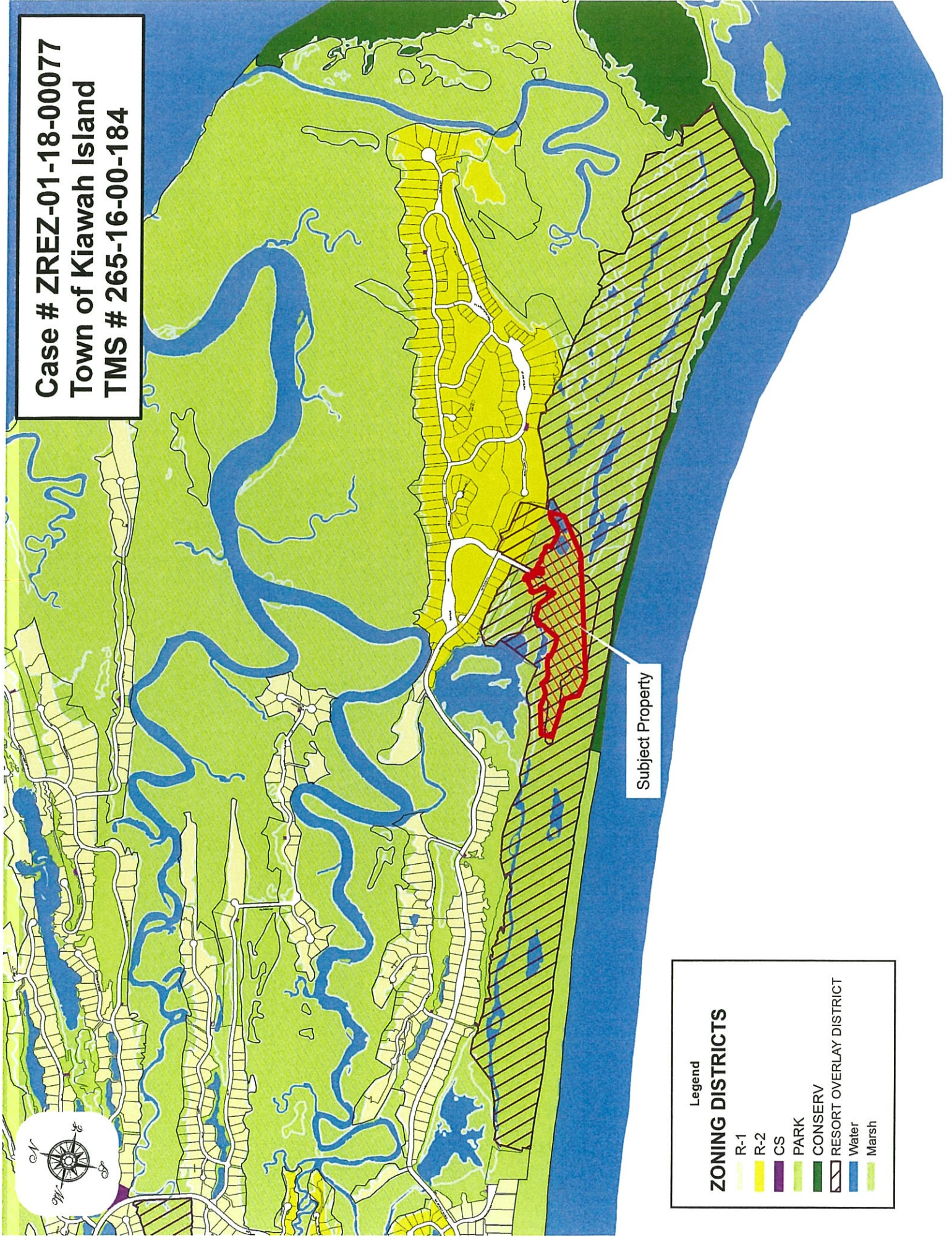
MARCH 7, 2018 PLANNING COMMISSION MEETING

Notifications:

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcels and individuals on the Kiawah/Seabrook Community Interest Group on February 16, 2018. A sign was also posted on the subject property on February 16, 2018. Additionally, this request was noticed in the Post & Courier on February 18, 2018.

Planning Commission Vote: Recommendation of approval passed by a vote of 6 to 0.

Case # ZREZ-01-18-00077
Town of Kiawah Island
TMS # 265-16-00-184



Subject Property

Legend

ZONING DISTRICTS

- R-1
- R-2
- CS
- PARK
- CONSERV
- RESORT OVERLAY DISTRICT
- Water
- Marsh



Request for Town Council Action

TO: Mayor and Council Members

FROM: Stephanie Monroe Tillerson, AICP, Town Administrator

SUBJECT: Meducare (AirMedCare Network) Municipal Site Membership

DATE: March 27, 2018

BACKGROUND:

On April 20, 2016, the Town entered into a one-year contract with AirMedCare Network (Meducare) to provide air medical transport services for Kiawah Island residents. In April 2017 the contract was renewed for an additional year. The contract is again up for reconsideration to renew next month. The Public Safety Committee at its March 14, 2018 regular scheduled meeting had a presentation from Meducare representative Wes McAden. While the Town had a few air medical transport services during our contract period, those individuals airlifted to the hospital were not Town residents. Therefore, the Municipal Site Membership plan was not activated.

After discussion, the Committee made a motion to recommend to the Ways and Means Committee that the AirMedCare Municipal Site Plan Membership be renewed for another year at the same cost of \$8,163.00 (annual).

ANALYSIS:

The Municipal Site Membership will cover transport that originates out of Charleston County. There is no cost to residents with medical insurance. A resident can upgrade to a full coverage membership for \$35.00 (annual) that will give them coverage in over 220 locations across 32 states. **Coverage also applies to renters provided that it is their primary residence.**

Resident Defined:

Any individual who owns a home on the island, regardless of whether it is their primary residence, would be considered a "resident" and eligible for coverage under the Municipal Site Plan (MSP). For example, John Q Taxpayer's primary residence is in Columbia, SC and as such, he is considered part of that tax base. He owns a second home on Kiawah that he lives in for just three months out of the year. For purposes of the Municipal Site Plan, he would be considered a "resident" of Kiawah, covered by the plan and eligible to upgrade to a full membership for just \$35.00. That being said, if John lets Nephew Tim and his family use his beach house for a week during the summer, they would not be covered by the Municipal Site Plans.

Coverage:

The MSP will provide coverage for all **insured** household residents from a pickup location originating anywhere in Charleston County (this allows for coverage both on and off the island) and all subsequent flights. (For example, patient is air lifted to MUSC and then transported to the burn unit in Augusta, GA. In this situation, both flights would be covered by membership.)

If a member resident is **uninsured** at the time of transport, Med-Trans Medical transport will bill the member the "Medicare Allowable Rate." The uninsured member resident may elect to pay \$35.00 to upgrade to a "Full Membership" and receive no bill along with gaining coverage across a 32-state service area

*****Any member resident may elect to obtain a "Full Membership" for \$35.00 per year. Again, this will provide full coverage across a 32-state service area and for the uninsured.**

ACTION REQUESTED:

On Tuesday, March 27, 2018 the Ways and Means recommended the approval to enter into a contract to approve the request to renew the annual agreement with AirMedCare for Municipal Site Plan Membership services at an annual rate of \$8,163.00. It comes as a recommendation from the Public Safety Committee.

BUDGET & FINANCIAL DATA: This is listed in the proposed FY 2017-2018 Budget under line item (100-42000-58100) Administration - Miscellaneous Expenditure.



Plan Code: 10228

**AirMedCare Network Municipal Site Membership
For Town of Kiawah Island, SC**

Organization: Town of Kiawah Island, SC
Address: 4475 Betsy Kerrison PKWY
Kiawah Island, SC 29455
Contact: Charles Lipuma
Phone: 843-768-9166
Email:
County: Charleston

Effective Date: 04/20/2018-04/20/2019

Membership Sales Manager/ Base: Wesley McAden/ Base MT220

Covered Individuals and Transports:

Any individual whom resides within the boundaries of Kiawah Island, SC when transported for medical necessity by MEDCUARE (or any AirMedCare Network Provider) will be covered under the standard terms and conditions for an AirMedCare Network membership (attached), except:

- Transport must be:
 - From a pickup location in Charleston County, SC;
- If the covered person transported is uninsured at the time of transport, Med-Trans Corporations will bill the covered person at the "Medicare Allowable Rate" for the transport.

Fees:

Kiawah Island, SC will pay to AirMedCare Network a total of \$ 8,163.00 annual.

Upgrade Benefit to Covered Individuals:

Any individual who resides within the boundaries of Kiawah Island, SC may elect to obtain a full household membership (which waives T&C exemptions listed above and included coverage outside the herein listed service area) for an additional \$35/year.

Duration:

This agreement will be effective upon AirMedCare Network's receipt of (a) this agreement signed by the participating Organization AND (b) payment for the amount as provided above. This agreement will be effective for one (1) year, and will be evaluated by both parties for renewal at least thirty (30) days prior to the end of the one (1) year term.



Initial_____



Terms and Conditions

AirMedCare Network is an alliance of affiliated air ambulance providers* (each a "Company"). An AirMedCare Network membership automatically enrolls you as a member in each Company's membership program. Membership ensures the patient will have no out-of-pocket flight expenses if flown by a Company by providing prepaid protection against a Company's air ambulance costs that are not covered by a member's insurance or other benefits or third party responsibility, subject to the following terms and conditions:

1. Patient transport will be to the closest appropriate medical facility for medical conditions that are deemed by AMCN Provider attending medical professionals to be life- or limb-threatening, or that could lead to permanent disability, and which require emergency air ambulance transport. A patient's medical condition, not membership status, will dictate whether or not air transportation is appropriate and required. Under all circumstances, an AMCN Provider retains the sole right and responsibility to determine whether or not a patient is flown.
2. AMCN Provider air ambulance services may not be available when requested due to factors beyond its control, such as use of the appropriate aircraft by another patient or other circumstances governed by operational requirements or restrictions including, but not limited to, equipment manufacturer limitations, governmental regulations, maintenance requirements, patient condition, age or size, or weather conditions. FAA restrictions prohibit most AMCN Provider aircraft from flying in inclement weather conditions. The primary determinant of whether to accept a flight is always the safety of the patient and medical flight crews. Emergent ground ambulance transport of a member by an AMCN Provider will be covered under the same terms and conditions.
3. Members who have insurance or other benefits, or third party responsibility claims, that cover the cost of ambulance services are financially liable for the cost of AMCN Provider services up to the limit of any such available coverage. In return for payment of the membership fee, the AMCN Provider will consider its air ambulance costs that are not covered by any insurance, benefits or third party responsibility available to the member to have been fully prepaid. The AMCN Provider reserves the right to bill directly any appropriate insurance, benefits provider or third party for services rendered, and members authorize their insurers, benefits providers and responsible third parties to pay any covered amounts directly to the AMCN Provider. Members agree to remit to the AMCN Provider any payment received from insurance or benefit providers or any third party for air medical services provided by the AMCN Provider, not to exceed regular charges. Neither the Company nor AirMedCare Network is an insurance company. Membership is not an insurance policy and cannot be considered as a secondary insurance coverage or a supplement to any insurance coverage. **Neither the Company nor AirMedCare Network will be responsible for payment for services provided by another ambulance service.**
4. Membership starts 15 days after the Company receives a complete application with full payment; however, the waiting period will be waived for unforeseen events occurring during such time. Members must be natural persons. Memberships are non-refundable and non-transferable.
5. Some state laws prohibit Medicaid beneficiaries from being offered membership or being accepted into membership programs. By applying, members certify to the Company that they are not Medicaid beneficiaries.
6. These terms and conditions supersede all previous terms and conditions between a member and the Company or AirMedCare Network, including any other writings, or verbal representations, relating to the terms and conditions of membership.

*Air Evac EMS, Inc. / Guardian Flight, LLC / Med-Trans Corporation / REACH Air Medical Services, LLC -- These terms and conditions apply to all AirMedCare Network participating provider membership programs, regardless of which participating provider transports you.





Agreed to by:

Signature

Printed Name

Title

Organization Name

Date

Signature

Keith Hovey

Printed Name

Vice President

Title

Membership

Division

Date



Initial_____



Request for Town Council Action

TO: Mayor and Council Members

FROM: Rusty Lameo, Facility Maintenance

SUBJECT: Janitorial Contract Amendment

DATE: 3/14/2018

BACKGROUND:

In August 2017, the Town entered into a contract with Summit Building Services for janitorial services at our Municipal Building, located at 4475 Betsy Kerrison Parkway. The work schedule was based on twice weekly cleaning services as was in our previous building's service.

ANALYSIS:

Upon reaching the mid-year point, of occupying our new building, staff has determined the twice weekly cleaning schedule is not sufficient to maintain the building to our standards. Adding an additional day to the cleaning schedule would allow for a shorter time between cleanings thus maintaining supplies and cleanliness.

ACTION REQUESTED:

On Tuesday, March 27, 2018 the Ways and Means recommended to Town Council the approval of request to amend the contract between the Town and Summit Building Services to the following:

SCOPE OF WORK

Three-time weekly cleaning of the following: all Offices, Bathrooms, Lobby, Conferences rooms, Hallways and Council room.

Weekly cleaning will be performed on Tuesday, Thursday and Saturday

BUDGET & FINANCIAL DATA:

This agreement will amend the present contract by fifty (\$50.00) per week to nine thousand eight hundred fifty-one (\$9,851.00) per annum, paid in monthly installment of \$820.91.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
_____)

**AMENDMENT TO
AGREEMENT BETWEEN
THE TOWN OF KIAWAH ISLAND
AND
SUMMIT BUILDING SERVICES, INC.**

WHEREAS, the Town of Kiawah Island and Summit Building Services, Inc. entered into an agreement on **August 1, 2017** for the purpose of providing janitorial services for the Town's Municipal Center located at 4475 Betsy Kerrison Parkway, Kiawah Island, SC 29455.

WHEREAS, the Town and Summit Building Services, Inc wish to amend said agreement in the following particulars:

1. **TERM:** This agreement shall amend the weekly cleaning days in the contract "Scope of Work" to; Weekly cleaning work performed on Tuesday, Thursday and Saturday after 5:00 pm
2. **FINANCIAL CONSIDERATION:** This agreement will amend the contact amount by fifty (\$50.00) per week to nine thousand eight hundred fifty-one (\$9,851.00) per annum, paid in monthly installment of \$820.91.
2. **EFFECTIVE DATE:** This agreement shall be effective on April 3, 2018.

All other provisions of the agreement entered into on **August 1, 2017** shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment this 3rd day of April 2018.

WITNESSES

Town of Kiawah Island

By: Craig Weaver
Its: Mayor

Summit Building Services, Inc.

By:
Its: President



Request for Town Council Action

TO: Mayor and Council Members

FROM: Rusty Lameo, Facility Manager

SUBJECT: Solid Waste Collection Contract

DATE: 3/22/2018

BACKGROUND:

The Town of Kiawah Island has supplied Solid Waste and Recycling Services to our residents and whereas the present contract is ending June of 2018, requests for proposals were issued in accordance with Town's Procurement Policy.

ANALYSIS:

The Town received two complete bids from the following companies;

Carolina Waste Services – Present contractor – Contract Total	\$951,743.00
Republic Services – Previous contractor – Contract Total	\$2,576,092.00

Finance Department and staff have reviewed and compared operating cost of the contract of both companies as requested in the RFP.

ACTION REQUESTED:

On Tuesday, March 27, 2018 the Ways and Means recommended to approve the request for the selection of Carolina Waste Services based upon their past service record and overall cost of the contract. Staff requests approval to enter into a contract with Carolina Waste Services.

BUDGET & FINANCIAL DATA:

As stated above the total compensation for the recommended service provider is \$951,743.00. Budget line items will be further discussed during the budget workshops.



Carolina Waste & Recycling, LLC

4285 Pace Street
North Charleston, SC 29405
Phone: 843-576-1100
Shayne Newcomb
District Manager

Request for Proposal- Solid Waste Collection Program
Petra Reynolds, Town Clerk
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455

February 21, 2018 2:30 P.M.

In Compliance with Request for Proposals, the undersigned hereby proposes to provide all services, materials, equipment, and labor, except as otherwise noted, for the Solid Waste Collection Program in exchange for the following fee based on provided customer database and cost format:

Proposed *Annual* Fee

\$951,743

NAME OF COMPANY: Carolina Waste

By: 

Signature

Logan Bland
Print Name

Title: Operations Manager (i.e., Owner, Partner, Corporate Officer, etc.)

Address: 4285 Pace Street, North Charleston, SC 29405

City: Charleston State: SC Zip: 29405

Telephone Number: 843-576-1100 Business Fax Number: 843-576-0684

Is your firm a X Corporation, Sole Proprietorship, or Partnership ?

If incorporated, please list state of incorporation: South Carolina

FEIN or SSN: 47-089956