



# TOWN OF *Kiawah Island*®

## TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

January 8, 2019; 2:00 PM

### AGENDA

#### Mayor

Craig E. Weaver

#### Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

#### Town Administrator

Stephanie Monroe Tillerson

- I. Call to Order:
- II. Pledge of Allegiance
- III. Approval of Minutes:
  - A. Minutes of the Town Council Meeting of December 4, 2018 [Tab 1]
  - B. Minutes of the Town Council Special Call Meeting of December 7, 2018 [Tab 2]
- IV. Mayor's Update:
- V. Citizens' Comments (Agenda Items Only):
- VI. Old Business:  
None
- VII. New Business:
  - A. Ordinance 2019- 01 - An Ordinance to Amend Article 16 – Beach Management, Chapter 1 – Beach Lighting – **First Reading** [Tab 3]
  - B. Appointment of Town Treasurer [Tab 4]
  - C. Appointment of Town Clerk [Tab 5]
  - D. Appointment of Town Attorney [Tab 6]
  - E. Council Committee Assignments
  - F. Council Liaison Assignments
  - G. 2019 Committee Appointments [Tab 7]
    - Arts and Cultural Events Council
    - Audit Committee
    - Environmental Committee
    - Planning Commission
    - Public Safety Committee
- VIII. Town Administrator's Report:
- IX. Council Member:
- X. Citizens' Comments:
- XI. Executive Session:
  - A. To Receive Legal Advice from the Town Attorney on a Land Use and Zoning Matter Related to Vacation Club Destinations
  - B. To Receive Legal Advice from the Town Attorney in Regard to the Kiawah Island Utility Rate Increase Application.
  - C. To Receive Legal Advice from the Town Attorney on the Outstanding Civil Action Regarding T. Rucker and Former Auditors Webster Rogers.
- XII. Adjournment:

## TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

December 7, 2018

### Minutes

- I. Call to Order: *Mayor Weaver called the meeting to order at 10:00 am.*

Present at the meeting: Craig Weaver, Mayor  
Chris Widuch  
Maryanne Connelly  
Dan Prickett  
Klaus Said

Also Present: Stephanie Monroe Tillerson, Town Administrator  
Dorota Szubert, Town Treasurer  
Petra Reynolds, Town Clerk

II. New Business:

- A. To Consider Approval of the Amendment of the Contract with Kimley-Horn to Complete a Traffic and Safety Study in area of Beachwalker East.

Mayor Weaver stated at the preceding Ways and Means Committee meeting a recommendation was made to give the Mayor the authority to enter into a contract with Kimley-Horn to Complete a Traffic and Safety Study in area of Beachwalker East in an amount not to exceed \$15,000.00.

*Mr. Prickett made a motion to give the Mayor the authority to enter into a contract with Kimley-Horn in an amount not to exceed \$15,000.00. The motion was seconded by Mr. Widuch and was unanimously passed.*

- B. Election of a Mayor Pro Tempore

Mayor Weaver nominated Chris Widuch for the position of Mayor Tempore for the term of this Council.

*Mrs. Connelly motioned to nominate Chris Widuch as Mayor Tempore. The motion was seconded by Mr. Prickett and was unanimously passed.*

III. Adjournment:

*Mr. Widuch motioned to adjourn the meeting at 10:06 am. The motion was seconded by Mr. Prickett and carried unanimously.*

Submitted by,

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Petra S. Reynolds, Town Clerk

Approved by,

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Craig E. Weaver, Mayor

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Date

DRAFT

# **TOWN COUNCIL MEETING**

Kiawah Island Municipal Center

Council Chambers

December 4, 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  
Chris Widuch  
Jack Koach

**Also Present:** Stephanie Monroe Tillerson, Town Administrator  
Dorota Szubert, Town Treasurer  
Dwayne Green, Town Attorney  
Petra Reynolds, Town Clerk

**III. Approval of Minutes:**

**A. Minutes of the Town Council Meeting of November 13, 2018**

*Mr. Wilson made a motion to approve the minutes of the November 13, 2018, Town Council Meeting. The motion was seconded by Mr. Widuch and the minutes were unanimously approved as amended.*

**IV. Mayor's Update:**

Mayor Weaver asked Mr. Widuch if during his comments he would give an update on the Turnberry issue along with an update on the Kiawah Fire Commissioner nomination.

Mayor Weaver stated that he would like to make his comments on the last meeting of most of the current members of the Council to the end of the meeting.

**V. Citizens' Comments (Agenda Items Only)**

**Wendy Kulick – 38 Marsh Edge Lane**

Mrs. Kulick reiterated the comments she made at the Ways and Means Committee Meeting. With the majority of the Council not seeking re-election, the fact that they have been willing to put in all the time that has been required is something that should be appreciated. She also commented on the election turn-out today and stated that if people don't participate, they have not right to complain.

**Dennis McGill – 100 Pleasant Valley Drive**

Mr. McGill commented on the new contract for the Town Attorney, Mr. Green, that was on the agenda. He indicated that he had some serious questions which he addressed in an FOIA (Freedom of Information Act) request. He stated that in his request he asked if there had been any amended or new agreements with the Town Attorney since February 2018 or DHG (Dixon Hughes and Goodman) since March of 2016. He asked the question because he noted an increase in the monthly billings from Mr. Green starting in July and anticipated a new or amended contract to account for the increase to have

been passed by Council earlier that at this meeting. He also called attention to the contract being put before an outgoing Council rather than waiting until after the new year when the new Council is in place. In his opinion, the new Council should have the opportunity to review the new compensation contract and vote on it at the time the Town Attorney is reappointed.

**VI. New Business:**

Mayor Weaver stated that items A, B, and C were discussed in the Ways and Means Committee a week ago, and were recommended to Town Council for approval

- A. To Consider Recommendation to Town Council to Approve Deputy Coverage Contract with Charleston County Sheriff's Office**

***Mr. Widuch motioned to approve the Deputy Coverage Contract with Charleston County Sheriff's Office. The motion was seconded by Mrs. Mezzanotte.***

Mayor Weaver stated that when recommended by Ways and Means the work on the contract language was still in progress. Ms. Tillerson indicated that just before the meeting she received an updated copy of the contract which she distributed to the members. She noted that she made revisions based on comments from discussions between the County Attorney, Mr. Green and herself, with those being highlighted. She also indicated that now included in the contract was "Exhibit C" and a "Schedule A" on page 14 which are the assignments for two deputies beginning March 1, 2019, with up to two additional deputies to be assigned upon availability. She indicated that the Charleston County Sheriff's Office (CCSO) understood that there should be four deputies, they would be committing to have two deputies and if they have to supplement due to illness or vacation that they would backfill at their cost.

Ms. Tillerson stated that with the changes that have been made she is comfortable with the agreement but like the Mayor to have the opportunity to review it. Mayor Weaver added they are some financial issues, such as the valuation of vehicles, that are still be discussed.

Mr. Widuch stated that the agreement would staff the first shift from 7:00 am to 7:00 pm with permanent deputies. The additional two eight-hour shifts, from 4:00 pm to 12:00 am and from 12:00 am to 8:00 am, will continue to be staffed with off-duty deputies.

***Following further discussion, Mr. Widuch amended his motion to give authority to the Mayor and Town Attorney to jointly work out any additional details on the contract. The amended motion was seconded by Mrs. Mezzanotte and was unanimously passed.***

- B. To Consider Recommendation to Town Council to Approve of the Town Attorney's Contract**

***Mr. Wilson motioned to approve the Town Attorney's Contract. The motion was seconded by Mrs. Mezzanotte and was unanimously passed.***

- C. To Consider Recommendation to Town Council to Approve the Proposal from Sanders Brothers for Cleaning & Inspection of Parkway Storm Drainage**

***Mr. Widuch motioned to approve the Proposal from Sanders Brothers for Cleaning & Inspection of Parkway Storm Drainage. The motion was seconded by Mrs. Mezzanotte and was unanimously passed***

**VII. Other Business:**  
None

**VIII. Town Administrator's Report:**

Ms. Tillerson reported that in February the Town along with other coastal communities that are a member of the South Carolina Beach Advocates would have their annual meeting on the 12<sup>th</sup> and the 13<sup>th</sup>. Mr. Jordan, the Town Biologist, will be one of the panelists and discuss the sea level rise report, and she will be attending the conference as well. Ms. Tillerson indicated that the conference is centered around hurricanes, the impact, and kind of lessons learned in the last few hurricanes that have impacted us.

**IX. Council Member:**

- a. Committee Updates
- b. General Comments

Mr. Koach reported there would be a Planning Commission meeting tomorrow at 3:00 pm. Mayor Weaver indicated that the one subject under consideration is a proposal for a revision to the plat for Parcel 13. The underlying issue is the change in the plat which reconfigures the access of dwelling units in Parcel 13 to allow them to enter and exit the island off of Duneside Road rather than Beachwalker Drive. It also essentially incorporates the conditions and agreement that were reached in an MOU (Memorandum of Understanding) between the Community Association and Kiawah Partners.

Mayor Weaver stated that the members of this Council and those running for Council had received quite a few emails from residents raising their concerns along with emailing member of the Planning Commission themselves. He reiterated that the responsibility for this decision solely lies with the Planning Commission under Town's Ordinance and under the law. The Town Council does not have a formal role in this decision, the decision of the Planning Commission is final, and there is not a provision for their decision to come back for any review by Town Council.

Mr. Widuch reported that Mr. Bob Wright, the only applicant for the St. Johns Fire Commission from Kiawah, was recommended to the County Council and approved at their last meeting.

Mr. Widuch reported that on Friday of last week a hearing was conducted in downtown Charleston for the final decision on permission to demolish 122 Turnberry. Following a relatively short presentation by the lawyer with the judge agreeing and an order will be submitted Friday or on Monday. Mr. Widuch indicated that it is now a thirty (30) day wait period to allow for any last-minute appeals. Barring any appeals, it is expected that the property will be demolished in the first half of January. Ms. Tillerson added that the contractor has started the preparation process for the demolition and that a mechanical lien would be recorded with the Charleston County Clerk's Office on the property. When the property is sold, the Town will recover any costs incurred.

Mr. Wilson reported that the Public Works Committee has met to discuss putting together an RFP (Request for Proposals) for the engineering work on the Parkway project now in progress. He stated that Kimley-Horn, the consultant working on the redesign of Beachwalker Drive, presented a preliminary design. Ms. Tillerson stated that after discussions with Charleston County Parks, and a representative from the Partners it looks like there will be enough right-of-way that a shift in the road to the north requires very little if any, right-of-way from the Partners. She indicated that the final design proposal would be presented to the Public Works Committee on December 10<sup>th</sup>.

Mr. Wilson stated that over the last three and a half years there had been a lot of changes at the Town regarding how business is conducted, and what kind of controls are now in place, in his professional opinion have improved dramatically in that period. He noted that no matter what controls are in place there is no such thing as a control that is one hundred percent foolproof. The most important change that was made was replacing the Town Administrator and Treasurer that are both competent and honest.

Mrs. Mezzanotte reported that through the Environmental Committee the Town has been working with the College of Charleston and one of its graduate students to continue the Kiawah Sea Level Rise work

that began and will start working with the Town of a five to six months period in early 2019. The project will produce very detailed flood maps for Kiawah that can be used to access vulnerabilities, identify problem areas, and allow for better storm preparation and response.

Mrs. Mezzanotte reported that also from the Environmental Committee is the Grow Native Program. She indicated that Ms. Donahoe has been working with Mr. Jordan, a member from the Resort, the ARB (Architectural Review Board), the Community Association and the Conservancy to set up a native plant database that will be released to the public in early January 2019. The database will be a tool for property owners and landscapers to select appropriate native plants based on 23 different criteria that will be searchable. She noted that the program would be helpful, and a lot of attention needs to be given to make sure the public understands what it is and how they can use it.

Mrs. Mezzanotte reported the last Arts Council event for the calendar year is Western Wind who will be performing a Christmas Hanukkah show at Holy Spirit Catholic Church. The performance will be at 7:30 with over four hundred tickets having been distributed.

Mr. Koach commented on the early statement made that the “the Town Council does not have a formal role in this decision, the decision of the Planning Commission is final”, he stated that if at the conclusion of the meeting, and an amicable outcome is not reached where the Partners bring an action against the Planning Commission, he wanted to confirm that the Town Attorney would be involved.

#### **X. Citizens’ Comments:**

##### **Maryanne Connelly - 4927 Green Dolphin Way**

Mrs. Connelly questioned if any of the suggestions from the Sea Level Rise Report would be implemented for the design of the Parkway.

Mr. Wilson responded that the Public Works Committee are aware of the report and some member has reviewed it. He indicated it is an integral part of the evaluation from the consultant and the engineering firm that is hired.

##### **Wendy Kulick – 38 Marsh Edge Lane**

Mrs. Kulick reiterated her disappointment in the voter turnout. She indicated that she sent notices to both I-Kiawah and around Kiawah bemoaning how few people had voted and urging people to do so.

Mrs. Kulick spoke about the ban the single of using plastics that eleven other coastal communities have implemented and questioned and where the Town stood on that issue.

Mrs. Kulick thanked Mr. Koach on his last comments on the item the Planning Commission is going to address tomorrow because while it is the Planning Commission decision, the Town Council has responsibility for public safety, and is clearly one of the most important issues that will have to be considered.

Mrs. Kulick commented on the article she saw about the Berkeley County Government and the issue they are with their auditing firm, especially since it is the auditing firm that was engaged by the Town following the predicament with the former administrator and treasurer and bring into sharper focus on critical the changes that Mr. Wilson initiated, and Council adopted, to hopefully not allow such an occurrence to happen again.

**Mayor Weaver commented that obviously, the Town was aware a year ago of the Town’ auditing firm was the same as for the Berkeley Council School District. At that time both he and staff, along with some Council Members and the Audit Committee all talked with the auditors at different times to**

make sure we understood clearly what the nature of the issues were and what their involvement was to get comfortable that they didn't impact the Town's relationship with the auditors. He did indicate that the article included some facts or information that was different than what members had seen in the past.

The Town's Audit Committee, which will be unofficially chaired by Mr. Said, will be meeting to gain a better understanding of what happened, what the new allegations are and if there was anything would be impactful on view of the auditor.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill comment on continuing the complaints against Ms. Rucker and Mr. Gunnells. He called attention to the plea agreements and stated he noted several things relating to the determination made of the money amounts by the US Attorney. He reviewed his calculations which were less than what the Town forensic auditors calculated. He was also bothered by the fact that not only the mistakenly overpaid employees but the plea agreements did not have any interest calculated within the payback.

Mayor Weaver wanted to finish this last Town Council meeting by giving sincere thanks, not only on behalf of himself but also on behalf of the community to Mrs. Mezzanotte, Mr. Wilson, and Mr. Koach, along with Mr. Widuch, even though he is running for re-election, for all their fantastic contributions, and the impact they have had over the past years. After reviewing each member's accomplishments, contributions, and strengths, he stated that he has heard the term "volunteer" used when referring to serving as a member of the Council. The term is defined as receiving no compensation, but it in no way describes the responsibilities, the amount of involvement, and the many hours that each of the members contribute of their skills, abilities, and insights along with showing a community that in an environment where these days entities don't seem to get along so well that as a group, this is an entity that has always shown civility and respect for each other and can make good decisions on the community's behalf.

XI. Executive Session:  
None

XII. Adjournment:

*Mr. Widuch motioned to adjourn the meeting at 2:57 pm. The motion was seconded by Mrs. Mezzanotte and carried unanimously.*

Submitted by,

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Petra S. Reynolds, Town Clerk

Approved by,

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Craig E. Weaver, Mayor

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Date



# THE TOWN OF KIAWAH ISLAND

## ORDINANCE 2019-01

### AN ORDINANCE TO AMEND ARTICLE 16 – BEACH MANAGEMENT, CHAPTER 1 – BEACH LIGHTING

**WHEREAS**, the Town of Kiawah Island Municipal Code currently contains Article 16 – Beach Management, Chapter 1 – Beach Lighting, Section 16-101, 16-102, 16-103, 16-104, 16-105, and 16-106, and;

**WHEREAS**, the Town wishes to regulate the sources of artificial light to protect sea turtles which nest along the beaches of Kiawah Island, and;

**WHEREAS**, the Town wishes to amend the current sections relating to the beach lighting regulations.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.**

#### Section 1

#### Purpose

The purpose of this Ordinance is to adopt the amendment of Article 16 – Beach Management, Chapter 1 – Beach Lighting, Sections 16-101, 16-102, 16-103, 16-104, 16-105, 16-106. Create Section 16-107 - Individual use of lights and Section 16-108 - Organized functions and Special events.

#### Section 2

#### Ordinance

Sections 16-101, 16-102, 16-103, 16-104, 16-105, and 16-106 are replaced with the following:

#### Sec. 16-101

#### Need for beach lighting regulations

The purpose of this chapter is to protect sea turtles which nest along the beaches of Kiawah Island by safeguarding nesting females and hatchlings from sources of artificial light.

#### Sec. 16-102

#### Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Artificial light** means any source of *light* emanating from a manmade device, including but not limited to, incandescent, mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction or security lights.

**Beach** means that area of unconsolidated material that extends landward from the mean low-water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

**Dawn** means 30 minutes before sunrise.

**Dusk** means 30 minutes after sunset.

**Floodlight** means a reflector type *light* fixture which is attached directly to a building and which is unshielded.

**Low profile luminaire** means a *light* fixture set on a base which raises the source of the *light* no higher than 48 inches off the ground and designed in such a way that *light* is directed downward from a hooded *light* source.

**New development** means and includes new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

**Person** means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group or unit of federal, state, county or municipal government.

**Pole lighting** means a *light* fixture set on a base or pole which raises the source of the *light* higher than 48 inches off the ground.

**Point source** means the bulb, lamp, or glowing elements of a fixture from which light is emitted.

**Shading coefficient** means a coefficient expressing that percentage of the incident radiation which passes through the window as heat.

**Tinted or filmed glass** means window glass which has been covered with window tint or film such that the material has a shading coefficient of 0.45 or less.

#### **Sec. 16-103**

#### **New Development**

It is the policy of the Town of Kiawah Island that no artificial *light* shall illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. To meet this intent, building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures, including electrical plans associated with parking lots, dune walkovers, or other outdoor lighting for real property (if such lighting can be seen from the *beach*), shall be in compliance with the following:

- (1) Floodlights shall be prohibited. Wall-mounted light fixtures shall be fitted with hoods so that no light illuminates the beach and the point source of light is not visible from the beach.
- (2) Pole lighting shall be shielded so that no light illuminates the beach and the point source of light is not visible from the beach. Outdoor lighting shall be held to the minimum necessary for security and convenience.
- (3) Low profile luminaries shall be used in parking lots and such lighting shall be positioned so that no light illuminates the beach and no point source of light is visible from the beach.
- (4) Dune walkovers shall utilize low profile shielded luminaries.
- (5) Lights on balconies shall be fitted with hoods so that no light illuminates the beach and no point source of light is visible from the beach.
- (6) Tinted or filmed glass shall be used in windows facing the ocean.
- (7) Temporary lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed, and in no case shall those lights illuminate the beach or shall the point source of light be visible from the beach. Lights shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.

**Sec. 16-104**                      **Exemptions for new development**

The provisions of Section 16-103 shall not apply to any structure for which a building permit has been issued by the town, prior to the effective date of Ordinance No. 2019-01 (i.e., February 5, 2019), which preceded this article.

**Sec. 16-105**                      **Existing development**

It is the policy of the Town of Kiawah Island that no artificial light shall illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. To meet this intent, lighting of existing structures which can be seen from the *beach* shall be in compliance with the following within six months of the effective date of the ordinance from which this article is derived:

- (1) Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that the point source of light is not visible from the *beach* or turned off from 9:00 p.m. until dawn during the period of

May 1 to October 31 of each year.

- (2) Lights illuminating dune walkovers shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.
- (3) Security lighting shall be permitted throughout the night so long as low-profile luminaries are used and screened in such a way that those lights do not illuminate the *beach* and no point source of light is visible from the beach.

**Sec. 16-106**                      **Community-Owned lighting**

Street lights and lighting at parks and other publicly-owned *beach* access areas shall be subject to the following:

- (1) Street lights shall be located so that the bulk of their illumination will travel away from the *beach*. These lights shall be equipped with shades or shields that will prevent backlighting and render the point source of light not visible from the *beach*.
- (2) Lights at parks or other public *beach* access points shall be shielded or shaded so that the point source of light is not visible from the beach or shall be turned off from 9:00 pm to dawn during the period of May 1 to October 31 of each year.

Section 16-107 - Individual use of lights, is hereby created as follows:

**Sec. 16-107**                      **Individual use of lights**

- (1) Use of unfiltered lights (any color spectrum except red), including but not limited to flashlights, cellular phones, and cameras, by persons are prohibited on the beach from 9:00 pm until dawn during the period of May 1 to October 31 of each year.
- (2) No unfiltered light shall be shown directly on adult turtles, eggs or hatchlings.

Section 16-108 - Organized functions and Special events, is hereby created as follows:

**Section 16-108**                      **Organized Functions and Special Events**

- (1) The illumination from beachfront organized functions or special event lighting shall not spread beyond the boundary of the property, and in no case shall those lights illuminate the beach, or shall the point source of light be visible from the beach. No organized functions or special events shall take place seaward of the OCRM setback line between dusk and dawn during the period of May 1 to October 31 of each year.

### Section 3                      Severability

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

### Section 4                      Effective Date and Duration

This Ordinance shall be effective upon its enactment by Town Council for the Town of Kiawah Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
Craig Weaver, Mayor

\_\_\_\_\_  
Petra S. Reynolds, Town Clerk

1/8 /2019      1<sup>st</sup> Reading

\_\_\_/\_\_\_/2019    2<sup>nd</sup> Reading

- **Article 16 - *BEACH MANAGEMENT***<sup>[1]</sup>
- **CHAPTER 1. - *BEACH LIGHTING***

- **Sec. 16-101. - Need for *beach lighting* regulations.**

The purpose of this chapter is to protect sea turtles which nest along the beaches of Kiawah Island by safeguarding nesting females and~~the~~ hatchlings from sources of artificial *light*.

(Code 1993, § 16-101; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-102. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Artificial light* means any source of *light* emanating from a manmade device, including but not limited to, incandescent, mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction or security lights.

*Beach* means that area of unconsolidated material that extends landward from the mean low-water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

*Dawn* means 30 minutes before sunrise.

*Dusk* means 30 minutes after sunset.

*Floodlight* means a reflector type *light* fixture which is attached directly to a building and which is unshielded.

*Low profile luminaire* means a *light* fixture set on a base which raises the source of the *light* no higher than 48 inches off the ground, and designed in such a way that *light* is directed downward from a hooded *light* source.

*New development* means and includes new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

*Person* means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group or unit of federal, state, county or municipal government.

*Pole lighting* means a *light* fixture set on a base or pole which raises the source of the *light* higher than 48 inches off the ground.

*Point source* means the bulb, lamp, or glowing elements of a fixture from which light is emitted.

*Shading coefficient* means a coefficient expressing that percentage of the incident radiation which passes through the window as heat.

~~*Solar screens* means screens which are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed outside of the glass and must:~~

- ~~(1) Have a shading coefficient of 0.45 or less;~~
- ~~(2) Carry a minimum five-year warranty; and~~



~~(3) Have performance claims supported by approved testing procedures and documentation.~~

*Tinted or filmed glass* means window glass which has been covered with window tint or film such that the material has a shading coefficient of 0.45 or less;

~~(1) A shading coefficient of 0.45 or less;~~

~~(2) A minimum five-year warranty;~~

~~(3) Adhesive as an integral part; and~~

~~(4) Performance claims supported by approved testing procedures and documentation.~~

(Code 1993, § 16-102; Ord. No. 2001-2, 3-13-2001)

### • Sec. 16-103. - New development.

It is the policy of the ~~town council~~ Town of Kiawah Island that no artificial *light* ~~associated with new development within the 40-year setback zone shall~~ illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. To meet this intent, building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures, including electrical plans associated with parking lots, dune walkovers, or other outdoor lighting for real property (if such lighting ~~associated with such construction or development~~ can be seen from the *beach*), shall be in compliance with the following:

- (1) Floodlights shall be prohibited. Wall-mounted *light* fixtures shall be fitted with hoods so that no *light* illuminates the *beach* and the point source of light is not visible from the beach.
- (2) Pole lighting shall be shielded in such a way so that no light illuminates the *beach* and the point source of light is not visible from the beach ~~light will be contained within an arc of three to 73 degrees on the seaward side of the pole~~. Outdoor lighting shall be held to the minimum necessary for security and convenience.
- (3) Low profile luminaries shall be used in parking lots and such lighting shall be positioned so that no *light* illuminates the *beach* and no point source of light is visible from the beach.
- (4) Dune walkovers shall utilize low profile shielded luminaries.
- (5) Lights on balconies shall be fitted with hoods so that no lights will not illuminates the *beach* and no point source of light is visible from the beach.
- (6) Tinted or filmed glass shall be used in windows facing the ocean ~~above the first floor or multistory structures. Shade screens can be substituted for this requirement.~~
- (7) Temporary ~~security~~ lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed, and in no case shall those lights illuminate the *beach* or shall the point source of light be visible from the beach. Lights shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.

(Code 1993, § 16-103; Ord. No. 2001-2, 3-13-2001)

### • Sec. 16-104. - Exemptions for new development.

The provisions of section 16-103 shall not apply to any structure for which a building permit has been issued by the town, prior to the effective date of Ordinance No. 91-4xxxxx (i.e., August 15, 1991 ~~xxxx~~, 2018), which preceded this article.

(Code 1993, § 16-104; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-105. - Existing development.**

It is the policy of the ~~town council~~ Town of Kiawah Island that no artificial light shall illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. To meet this intent, lighting of existing structures ~~within the 40-year setback zone~~ which can be seen from the *beach* shall be in compliance with the following within six months of the effective date of the ordinance from which this article is derived:

- (1) Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that the point source of light is they are not visible from the *beach*, or turned off ~~after from~~ 9:00 p.m. until dawn during the period of May 15 to October 31 of each year.
- (2) Lights illuminating dune ~~walkovers~~ crosswalks of any area oceanward of the dune line shall be turned off ~~after from~~ 9:00 p.m. until dawn during the period of May 15 to October 31 of each year.
- (3) Security lighting shall be permitted throughout the night so long as low-profile luminaries are used and screened in such a way that those lights do not illuminate the *beach* and no point source of light is visible from the beach.
- ~~(4) Window treatments in windows facing the ocean above the first floor of multistory structures are required so that interior lights do not illuminate the beach. The use of black-out draperies or shade screens are preferred. The addition of tint or film to windows or awnings is also encouraged, as is turning off unnecessary lights if the light illuminates the beach.~~
- (4) Temporary lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed, and in no case shall those lights illuminate the beach or shall the point source of light be visible from the beach. Lights shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.

(Code 1993, § 16-105; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-106. - Community-owned lighting.**

Street lights and lighting at parks and other publicly-owned *beach* access areas ~~within the 40-year setback zone~~ shall be subject to the following:

- (1) ~~Whenever possible, e~~ Street lights shall be located so that the bulk of their illumination will travel away from the *beach*. These lights shall be equipped with shades or shields that will prevent backlighting and render the point source of light them not visible from the *beach*.
- (2) Lights at parks or other public *beach* access points shall be shielded or shaded so that the point source of light is not visible from the beach, or shall ~~not be~~ turned off from 9pm to dawn ~~utilized~~ during the period of May 15 to October 31 of each year.

(Code 1993, § 16-106; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-107. – Individual use of lights.**



(1) Use of unfiltered lights (any color spectrum except red), including but not limited to flashlights, cellular phones, and cameras, by persons are prohibited on the beach from 9 pm until dawn during the period of May 1 to October 31 of each year.

(2) No unfiltered light shall be shown directly on adult turtles, eggs or hatchlings.

- **Sec. 16-108. – Organized functions and Special events.**

(1) The illumination from beachfront organized functions or special event lighting shall not spread beyond the boundary of the property, and in no case shall those lights illuminate the beach or shall the point source of light be visible from the beach. No organized functions or special events shall take place seaward of the OCRM setback line between dusk and dawn during the period of May 1 to October 31 of each year.

- **Article 16 - *BEACH MANAGEMENT***<sup>[1]</sup>
- **CHAPTER 1. - *BEACH LIGHTING***

- **Sec. 16-101. - Need for *beach lighting* regulations.**

The purpose of this chapter is to protect sea turtles which nest along the beaches of Kiawah Island by safeguarding nesting females and hatchlings from sources of artificial *light*.

(Code 1993, § 16-101; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-102. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Artificial light* means any source of *light* emanating from a manmade device, including but not limited to, incandescent, mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, streetlights, vehicular lights, construction or security lights.

*Beach* means that area of unconsolidated material that extends landward from the mean low-water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

*Dawn* means 30 minutes before sunrise.

*Dusk* means 30 minutes after sunset.

*Floodlight* means a reflector type *light* fixture which is attached directly to a building and which is unshielded.

*Low profile luminaire* means a *light* fixture set on a base which raises the source of the *light* no higher than 48 inches off the ground and designed in such a way that *light* is directed downward from a hooded *light* source.

*New development* means and includes new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

*Person* means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group or unit of federal, state, county or municipal government.

*Pole lighting* means a *light* fixture set on a base or pole which raises the source of the *light* higher than 48 inches off the ground.

*Point source* means the bulb, lamp, or glowing elements of a fixture from which light is emitted *Shading coefficient* means a coefficient expressing that percentage of the incident radiation which passes through the window as heat.

*Tinted or filmed glass* means window glass which has been covered with window tint or film such that the material has a shading coefficient of 0.45 or less.

(Code 1993, § 16-102; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-103. - New development.**

It is the policy of the Town of Kiawah Island that no artificial *light* shall illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. To meet this intent, building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures, including electrical plans associated with parking lots, dune walkovers, or other outdoor lighting for real property (if such lighting can be seen from the *beach*), shall be in compliance with the following:

- (1) Floodlights shall be prohibited. Wall-mounted *light* fixtures shall be fitted with hoods so that no *light* illuminates the *beach* and the *point source of light* is not visible from the beach.
- (2) Pole lighting shall be shielded so that no light illuminates the beach and the point source of light is not visible from the beach. Outdoor lighting shall be held to the minimum necessary for security and convenience.
- (3) Low profile luminaries shall be used in parking lots and such lighting shall be positioned so that no *light* illuminates the *beach* and no *point source of light* is visible from the beach.
- (4) Dune walkovers shall utilize low profile shielded luminaries.
- (5) Lights on balconies shall be fitted with hoods so that no light illuminates the *beach* and no *point source of light* is visible from the beach.
- (6) Tinted or filmed glass shall be used in windows facing the ocean.
- (7) Temporary lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed, and in no case shall those lights illuminate the *beach*, or shall the *point source of light* be visible from the beach. Lights shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.

(Code 1993, § 16-103; Ord. No. 2001-2, 3-13-2001)

• **Sec. 16-104. - Exemptions for new development.**

The provisions of section 16-103 shall not apply to any structure for which a building permit has been issued by the town, prior to the effective date of Ordinance No. xxxxx (i.e., xxxx, 2018), which preceded this article.

(Code 1993, § 16-104; Ord. No. 2001-2, 3-13-2001)

• **Sec. 16-105. - Existing development.**

It is the policy of the Town of Kiawah Island that no artificial light shall illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. To meet this intent, lighting of existing structures which can be seen from the *beach* shall be in compliance with the following within six months of the effective date of the ordinance from which this article is derived:

- (1) Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that the point source of light is not visible from the *beach*, or turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.
- (2) Lights illuminating dune walkovers shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.
- (3) Security lighting shall be permitted throughout the night so long as low-profile luminaries are used and screened in such a way that those lights do not illuminate the *beach* and no point source of light is visible from the beach.

- (4) Temporary lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed, and in no case shall those lights illuminate the *beach*, or shall the point source of light be visible from the beach. Lights shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.

(Code 1993, § 16-105; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-106. - Community-owned *lighting*.**

Street lights and lighting at parks and other publicly-owned *beach* access areas shall be subject to the following:

- (1) Street lights shall be located so that the bulk of their illumination will travel away from the *beach*. These lights shall be equipped with shades or shields that will prevent backlighting and render the point source of light not visible from the *beach*.
- (2) Lights at parks or other public *beach* access points shall be shielded or shaded so that the point source of light is not visible from the beach or shall be turned off from 9 pm to dawn during the period of May 1 to October 31 of each year.

(Code 1993, § 16-106; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-107. – Individual use of lights.**

- (1) Use of unfiltered lights (any color spectrum except red), including but not limited to flashlights, cellular phones, and cameras, by persons are prohibited on the beach from 9 pm until dawn during the period of May 1 to October 31 of each year.
- (2) No unfiltered light shall be shown directly on adult turtles, eggs or hatchlings.

- **Sec. 16-108. – Organized functions and Special events.**

- (1) The illumination from beachfront organized functions or special event lighting shall not spread beyond the boundary of the property, and in no case shall those lights illuminate the beach, or shall the point source of light be visible from the beach. No organized functions or special events shall take place seaward of the OCRM setback line between dusk and dawn during the period of May 1 to October 31 of each year.

Sec. 2-505. - Town treasurer.

- (a) At the first regular meeting of the council following the inauguration meeting, the council shall appoint an officer to be known as the town treasurer, who shall hold office at the pleasure of council or until a successor is duly appointed and qualified.
- (b) Before entering upon the duties of office, the town treasurer shall enter into a bond in such sum as shall be approved by the council for the faithful performance of the duties of the office.
- (c) The town treasurer shall perform the following duties:
  - (1) Collect all claims and accounts that may be due and payable to the town;
  - (2) Receive all money belonging to the town;
  - (3) Issue all licenses and badges for which provision may be made and collect all fees for licenses that may be imposed;
  - (4) Pay all bills owed by the town when approved by council;
  - (5) Deposit funds in banks as designated by council;
  - (6) Make statements as to the financial condition of the town as ordered by the council;
  - (7) Keep account of all money and accounts and inventories of town property, real and personal, and report to council as requested;
  - (8) Maintain a record of all town capital assets;
  - (9) Prepare a town budget as requested by the town; and
  - (10) Perform such other duties as may be required by the council.

(Code 1993, § 2-505)

State Law reference— Municipal treasurer, S.C. Code of Laws 1976, § 5-9-40.

Sec. 2-503. - Town clerk.

- (a) At the first regular meeting of the council following the inauguration meeting, the council shall appoint an officer to be known as the town clerk, who shall hold office at the pleasure of the council or until a successor is duly appointed and qualified.
- (b) The town clerk shall perform the following duties:
  - (1) Give notice to the members of the council of regular and special meetings of the council;
  - (2) Attend all meetings of the council, keep minutes of the proceedings of the council, and maintain the minutes in a book to be known as "The Minutes of the Meetings of the Town Council of the Town of Kiawah Island, South Carolina";
  - (3) Have custody of the seal of the town; and
  - (4) Schedule the use of public buildings.
- (c) The town clerk shall act as secretary for the mayor and council. As such, the town clerk must have sound secretarial skills.
- (d) The town clerk shall handle other clerical duties as required by the mayor or council.
- (e) The town clerk shall perform such other duties as may be required by the council.

(Code 1993, § 2-503)

**State Law reference—** Municipal clerk, S.C. Code of Laws 1976, § 5-7-220.

Sec. 2-504. - Town attorney.

- (a) At the first regular meeting of the council following the inauguration meeting, the council shall appoint an officer to be known as the town attorney, who shall hold office at the pleasure of council or until a successor is duly appointed and qualified.
- (b) The town attorney must be a member of the South Carolina Bar and be admitted to practice law in South Carolina.
- (c) It shall be the duty of the town attorney whenever called upon by council, or the necessity arises, to give his advice and direction to the council, or any member thereof, or to the town clerk on any and all legal questions which may arise in the course of the administration of the town government, or in the discharge of the duties of their respective offices; and whenever required to do so by the council, he shall give his legal opinion in writing. He shall draw or supervise the drawing or drafting of all ordinances, and other instruments of writing relative to the business of the town when required to do so by the council or any member thereof; and shall, whenever notified to do so, attend the meetings of the council and shall perform such other duties as required by the council. The town attorney shall receive such compensation for the discharge of his duties as fixed by the council.

(Code 1993, § 2-504)

**State Law reference—** Municipal attorney, S.C. Code of Laws 1976, § 5-7-230.



# TOWN OF *Kiawah Island*®

## Mayor

Craig E. Weaver

## Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

## Town Administrator

Stephanie Monroe Tillerson

## 2019

### ARTS & CULTURAL EVENTS COUNCIL

*Committee members are appointed by Town Council and serve one year terms.*

*All terms expire on January 31.*

#### **Gary Rice, Chairman**

52 Blue Heron Pond Road  
Kiawah Island, SC 29455

843-243-0253

212-203-8903 cell

[garryrice@gmail.com](mailto:garryrice@gmail.com)

#### **David Wohl, Vice Chairman**

157 Governors Drive  
Kiawah Island, SC 29455

304-552-9060

[Dwohl23@gmail.com](mailto:Dwohl23@gmail.com)

#### **Bill Blizard**

736 B Virginia Rail Rd.  
Kiawah Island, SC 29455

843-768-3303

843-906-7666 cell

[billblizard@gmail.com](mailto:billblizard@gmail.com)

#### **Judy Chitwood**

4817 Green Dolphin Way  
Kiawah Island, SC 29455

843-693-4565 cell

[j\\_e\\_chitwood@yahoo.com](mailto:j_e_chitwood@yahoo.com)

#### **Becky Hilstad**

33 Marsh Edge Lane  
Kiawah Island, SC 29455

843-469-3271 cell

[bthilstad@aol.com](mailto:bthilstad@aol.com)

#### **Van McCollum**

508 Ruddy Turnstone  
Kiawah Island, SC 29455

404-401-0678

[vanmccollum@bellsouth.net](mailto:vanmccollum@bellsouth.net)

#### **Jodi Rush**

143 Flyway Dr.

Kiawah Island, SC 29455

843-641-0096

703-966-5351 cell

[jrush25@comcast.net](mailto:jrush25@comcast.net)

#### **Joan Collar**

194 Sanderling Court

Kiawah Island, SC 29455

843-768-0474

843-224-9455 cell

[jcfromsc@aol.com](mailto:jcfromsc@aol.com)

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#### **Operations Support Member:**

##### **Robert Hill**

721 Virginia Rail Rd

Kiawah Island, SC 29455

843-768-8663

440-477-3547 cell

[rghcmh2@bellsouth.net](mailto:rghcmh2@bellsouth.net)

#### **Staff Support:**

##### **Stephanie Braswell Edgerton**

843-768-5113

843-532-3269 cell

[sbraswell@kiawahisland.org](mailto:sbraswell@kiawahisland.org)

##### **Keely Laughlin**

843-768-9976

330-605-5424 cell

[klaughlin@kiawahisland.org](mailto:klaughlin@kiawahisland.org)

Revised 11/29/2018





# TOWN OF *Kiawah Island*®

## Mayor

Craig E. Weaver

## Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

## Town Administrator

Stephanie Monroe Tillerson

## 2019 ARTS COUNCIL BOARD

### **Dan Prickett, Town Council Liaison**

573 Whimbrel Road

Kiawah Island, SC 29455

(843) 768-0584

[dprickett@kiawahisland.org](mailto:dprickett@kiawahisland.org)

### **Gary Rice, ACEC Liaison**

52 Blue Heron Pond Road

Kiawah Island, SC 29455

843-243-0253

212-203-8903 cell

[garyrrice@gmail.com](mailto:garyrrice@gmail.com)

### **David Wohol, ACEC Liaison**

157 Governors Drive

Kiawah Island, SC 29455

304-552-9060

[Dwohl23@gmail.com](mailto:Dwohl23@gmail.com)

### **Stephanie Monroe Tillerson, Town Administrator**

4475 Betsy Kerrison Parkway

Kiawah Island, SC 29455

(843) 768-9166

[stillerson@kiawahisland.org](mailto:stillerson@kiawahisland.org)

### **Stephanie Braswell Edgerton, Town Communications Manager**

4475 Betsy Kerrison Parkway

Kiawah Island, SC 29455

843-768-5113

[sbraswell@kiawahisland.org](mailto:sbraswell@kiawahisland.org)

Revised 1/2/2019

## **TOWN OF KIAWAH ISLAND ARTS AND CULTURAL EVENTS COMMITTEE CHARTER**

1. The Arts and Cultural Events Council (ACEC) for the Town of Kiawah Island shall be a standing committee of the Town Council and shall advise the Town on matters relating to the planning, development, organization and implementation of activities relating to the visual and performing arts.
2. The ACEC shall strive to ensure that Kiawah is recognized as an art and culturally minded community.
3. Oversight responsibility will be handled by the Arts Council Board comprised of:
  - One member of Town Council that will act as the Town Council liaison
  - Two designated members of the ACEC, a Chairman and Vice Chairman, that will act as the ACEC liaisons
  - Town Administrator
  - Town Communications Manager

The ACEC membership shall be comprised of at least five (5), but not more than nine (9), Kiawah Island property owners appointed by the Mayor with consent of the Town Council. Member terms shall be for one year and expire annually on January 31. Committee members may be reappointed for successive terms as approved by the Mayor and Town Council. The Town Council may appoint up to three (3) advisory members (non-voting) to the ACEC to assist and support the Committee.

4. The ACEC is a “working” committee tasked with:
  - a. Sourcing concerts and cultural arts events
  - b. Season programming and program diversity
  - c. Reporting preliminary season selections, after the planning session, to Town Council
  - d. Assisting in the development and distribution of promotional materials
  - e. Preparing production plans and managing logistics of performance
  - f. Assisting at events
  - g. Evaluating the event results
5. Preferred skill set should include:
  - a. Cultural arts background and expertise
  - b. Excellent planning and organizational capabilities
  - c. Knowledge of performing arts and performing arts groups
  - d. Ability to work in harmony with performing arts groups and other Arts Council members.
6. The ACEC shall:
  - a. Develop annual budgets for review/ approval by the Ways and Means Committee and final approval of Town Council.
  - b. Work to enhance community, visitor and tourist appreciation of arts and cultural events within the Town and environs by providing a diversity of programming.
  - c. Publish an annual report summarizing fiscal-year events and accomplishments.
  - d. Develop relationships with local, state, regional and national arts organizations.

- e. Develop relationships with schools, businesses and other organizations supporting the arts.
7. The funding sources for the ACEC will be derived from:
- a. General Funds – the primary source of funding for the resident related events.
  - b. Local, County and Hospitality Tax Funds – the primary source of funding for the tourist and visitor related events.
  - c. Funding levels will be determined through the budget process
8. The ACEC will utilize a variety of methods, including advertisement in a general publication newspaper to attract and solicit interest from local and national talent for events. A schedule of events for both residents and tourists/visitors will be submitted to Town Council during the budgeting process timetable.

#### **Applications Process**

Applications to the ACEC for tourism and visitor related activities will be published on the Town website at [www.kiawahisland.org](http://www.kiawahisland.org). The ACEC will review the applications, select and schedule within the budget and will present final program details and costs to the Ways and Means Committee and then to Town Council for final approval. The requesting organization will be notified in writing of the Council's decision by the Town Treasurer.

#### **Contracting**

Each funded event shall be bound by a Town of Kiawah Island Special Events contract.

#### **Payment Terms**

Payment will be made directly to the requesting organization in the form of a check, per contract terms agreed upon between the town and performer and/or performer's agent. Normally, these payments are presented on the performance day, but prepayments may be made if negotiated during the contract. Deposits will not be more than 50% of the contracted amount.

Revised 11/5/2018



# TOWN OF *Kiawah Island*®

## 2019 AUDIT COMMITTEE

*Members are appointed by the Mayor and Town Council and serve for one year terms. Terms expire on January 31.*

### **Klaus Said, Chairman**

170 Flyway Drive  
Kiawah Island, SC 29455  
(203) 243 2526  
[ksaid@kiawahisland.org](mailto:ksaid@kiawahisland.org)

### **Andrew J. Capelli**

160 Governor's Drive  
Kiawah Island, SC 29455  
(843) 768-9113  
[acapelli35@hotmail.com](mailto:acapelli35@hotmail.com)

### **James A Williams**

37 Burroughs Hall  
Kiawah Island, SC 29455  
843/243-0423(h)  
843/412-0672(c)  
[jamesalbertwilliams@msn.com](mailto:jamesalbertwilliams@msn.com)

### **Ronald A Hoffman**

293 Masters Court  
Kiawah Island, SC 29455  
843-768-3037  
[hoffman\\_roland@yahoo.com](mailto:hoffman_roland@yahoo.com)

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### **Dorota Szubert, Town Treasurer**

4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455  
(843) 768-9166  
[dszubert@kiawahisland.org](mailto:dszubert@kiawahisland.org)

### **Mayor**

Craig E. Weaver

### **Council Members**

Maryanne Connelly  
Daniel Prickett  
Klaus Said  
Chris Widuch

### **Town Administrator**

Stephanie Monroe Tillerson

## **TOWN OF KIAWAH ISLAND AUDIT COMMITTEE CHARTER**

### **I. PURPOSE**

The Audit Committee (the "Committee") shall assist the Mayor and the Town Council (the "Council") of The Town of Kiawah Island (the "Town") in fulfilling its responsibility to provide oversight of management regarding: (1) the Town's systems of internal controls and risk management; (2) the integrity of the Town's financial statements; (3) the Town's compliance with legal and regulatory requirements and ethical standards; and (4) the engagement, independence and performance of the Town's independent auditors. **The formation and activities of the Audit Committee in no way diminish or replace the preceding responsibilities of the Council.**

### **II. MEMBERSHIP**

The Committee shall consist of one member of the Council as Chair. The Chair of the Committee shall be designated by the Mayor and approved by the Town Council and shall preside at meetings of the Committee. In addition, two to four members of the community nominated by the Chair and approved by the Council shall serve on the Committee.

Committee members shall have a proven expertise in finance, accounting, and the review of financial statements. At least one member of the Committee shall have a sophisticated understanding of auditing, financial controls, financial reporting and accounting as determined by the Council.

### **III. MEETINGS AND QUORUM**

The Committee shall meet on a regularly scheduled basis, at least two times per year. Additionally, meetings may be requested by a Committee member or as circumstances dictate. The Committee shall meet at least twice each year with the independent auditor in separate executive sessions to provide the opportunity for full and frank discussion with or without staff members present.

Notice of meetings shall be given to all Committee members and the public. Meetings of the Committee may be held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear and speak to each other. A majority of the members of the Committee shall constitute a quorum. The act of a majority of the Committee members present at a meeting at which a quorum is present shall be the act of the Committee.

### **III. AUTHORITY**

The Committee's role is one of oversight. The Town's senior staff including the Treasurer and Administrator ("management") are responsible for preparing the Town's financial statements and the independent auditors are responsible for auditing those financial statements. The Committee recognizes that management, including the finance staff and the independent auditors, have more time, knowledge and detailed information about the Town than do the Committee members. Consequently, in carrying out its oversight responsibilities, the Committee is not providing any expert or special assurance

as to the Town's financial statements or any professional certification as to the independent auditor's work.

In discharging its role, the Committee is empowered to inquire into any matter it considers appropriate to carry out its responsibilities, with access to all books, records, facilities and personnel of the Town. In addition to retaining the Town's independent auditor, the Committee shall have the power, with the approval of Council, to retain outside counsel, other auditors or other advisors to assist it in carrying out its activities. The Town shall provide adequate resources to support the Committee's activities. The Committee shall have the authority, with the approval of Council, to retain, compensate, direct, oversee and terminate the Town's independent auditor and any counsel, other auditors and other advisors hired to assist the Committee, who shall be accountable ultimately to the Committee.

The Committee may request any person including, but not limited to, any officer or employee of the Town or the independent auditor, to attend Committee meetings or to meet with any members of, or advisors to, the Committee.

## **V. KEY RESPONSIBILITIES**

As approved by Council, the Committee shall undertake the following responsibilities, which are set forth as a guide. The Committee is authorized to carry out these activities and other actions reasonably related to the Committee's purposes or assigned by the Council from time to time.

### ***A. Independent Audit***

1. Recommend the appointment and review the terms of the independent auditor's retention, engagement and scope of the annual audit, pre-approve any audit-related and non-audit services (including the fees and terms thereof) to be provided by the independent auditor, and, in connection with any pre-approval of services related to internal control over financial reporting, discuss with the independent auditor the potential effects of such services on the independence of the auditor, and evaluate and oversee the work of, the independent auditor who shall report directly to the Committee, and, if appropriate, terminate the independent auditor's engagement;
2. Review and confirm the independence of the independent auditor annually by obtaining and reviewing a report from the independent auditor delineating all relationships between the independent auditor and the Town and discussing with the independent auditor any such disclosed relationships and their impact on the independent auditor's independence, and by obtaining the auditor's assertion of independence in accordance with professional standards;

3. At least every five years, review and recommend to Council the terms of the independent auditor's retention, including a review of fees charged by the auditors for the annual audits;
4. At least annually, review a report from the independent auditor describing the auditing firm's internal quality-control procedures and any material issues raised by the most recent quality-control review of the firm, or by any inquiry or investigation by governmental or professional authorities within the preceding five years, with respect to one or more independent audits carried out by the firm and any steps taken to deal with any such issues;
5. Review with the independent auditor any problems the auditor has encountered performing the audit, any management letter provided and the Town's response to that letter, and matters that the independent auditor is required to communicate to the Committee; and
6. Review and discuss with Council and senior staff, the independent auditor any significant findings during the year, any restrictions on the scope of activities or access to required information, any changes required in the scope of the audit plan, the audit budget and staffing and, coordination of audit efforts.

#### ***B. Internal Control and Risk Oversight***

1. Review and discuss with management and the independent auditor the adequacy of the Town's internal controls and the Town's major financial risks or any significant exposures and assess the steps management has taken to minimize such exposures;
2. Review and discuss with management and the independent auditor the Town's policies with respect to risk assessment and risk management;
3. Oversee compliance with and review the effectiveness of the Town's internal control systems, including through regular executive sessions, whether internal control recommendations identified by internal and independent auditors have been implemented by management; and
4. Establish and oversee procedures for the receipt, retention and treatment of complaints regarding accounting, internal controls, or auditing matters and the confidential, anonymous submission by employees of concerns regarding questionable accounting or auditing matters.

#### ***C. Financial Reporting***

1. Review and discuss with management and the independent auditor all critical accounting policies and practices used by the Town and any significant changes in the Town's accounting policies;
2. Review with the independent auditor significant accounting and reporting issues, including recent professional and regulatory pronouncements, understand their impact on the financial statements, and ensure that all such issues have been considered in the preparation of the financial statements;
3. Review issues related to judgments made involving valuation of assets and liabilities, and commitments and contingencies;
4. Review with management the annual financial statements, the annual audit report and recommendations of the independent auditor, including any audit problems or difficulties, and management's response;
5. Review with management and the independent auditor any complex and/or unusual transactions or other significant matters or events not in the ordinary course of business; and
6. Annually review with management and the external tax advisor any issues or judgmental areas relating to the Town's tax compliance.

#### ***D. Oversight of Legal and Ethical Compliance***

1. Review periodically with the Town's legal counsel the scope and effectiveness of the Town's legal and regulatory compliance policies and programs, and ethical standards and policies;
2. Oversee legal and regulatory compliance and compliance with ethical standards and policies, including the Conflict of Interest Policy, and forward reports of non-compliance to Council;
3. Review and discuss with management and the auditors any possible areas of noncompliance with laws or policies and ensure that management follows up with relevant procedures where appropriate;
4. Ensure through inquiry and other appropriate means that management is communicating to the Town's staff the importance of the Town's values, code of conduct and ethics, and internal controls; and
5. Review, discuss with management and the independent auditor, and recommend a course of action to Council regarding any transactions or courses of dealing with related persons (*e.g.*, including elected officials, executive officers, their immediate family members) that are significant in size or



involve terms or other aspects that would likely be negotiated with independent parties, involving any safeguards or additional procedures to be applied in such circumstances.

#### ***E. Other Responsibilities***

Maintain minutes of meetings and periodically report Committee findings, recommendations and actions to the Council, including on any issues that arise with respect to the quality or integrity of the Town's financial statements, the performance and independence of the independent auditors and the performance of the internal audit function, the Town's compliance with legal or regulatory requirements and its ethical standards and policies, and any other matters the Committee deems appropriate for the Council.



# TOWN OF *Kiawah Island*

## Mayor

Craig E. Weaver

## Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

## Town Administrator

Stephanie Monroe Tillerson

## 2019 ENVIRONMENTAL COMMITTEE

*Committee members are appointed by the Mayor and Town Council  
to serve one-year terms. All terms expire on January 31<sup>st</sup>.*

### **Jim Jordan - TOKI - Chairman**

4475 Betsy Kerrison Parkway

Kiawah Island, SC 29455

768-9166

[jjordan@kiawahisland.org](mailto:jjordan@kiawahisland.org)

### **Jim Chitwood**

49 River Marsh Lane

Kiawah Island, SC 29455

768-0838

[jlchitwood04@yahoo.com](mailto:jlchitwood04@yahoo.com)

### **Jim Sullivan**

79 Blue Heron Pond Rd.

Kiawah Island

843-768-2605

[sullivanjv@aol.com](mailto:sullivanjv@aol.com)

### **Lynne Sager**

582 Oyster Rake Road

Kiawah Island, SC 29455

843-768-4865

[lynnesager@me.com](mailto:lynnesager@me.com)

### **Jane Ellis**

178 Marsh Island Drive

Kiawah Island, SC 29455

864-378-1004

[jellis@presby.edu](mailto:jellis@presby.edu)

### **\*David Pumphrey**

525 Bufflehead Drive

Kiawah Island, SC 29455

703-967-9420

[dpumphrey71@gmail.com](mailto:dpumphrey71@gmail.com)

### **Pam Wilson**

1 Grey Wigeon Lane

Kiawah Island, SC 29455

610-324-5574

[Pamwilson813@gmail.com](mailto:Pamwilson813@gmail.com)

### **Scott Nelson**

65 Persimmon Ct

Kiawah Island, SC 29455

864-277-2823

[cscottnels@gmail.com](mailto:cscottnels@gmail.com)

### **Beverly Gholson**

85 Wax Myrtle Ct

Kiawah Island, SC 29455

303-317-7865

[bvgholson@aol.com](mailto:bvgholson@aol.com)

### **John (Jack) Kotz**

31 Greensward Rd.

Kiawah Island, SC 29455

768-3239

[johnkotz@me.com](mailto:johnkotz@me.com)

### **KINHC**

80 Kestrel Court

Kiawah Island, SC 29455

(843) 768 2029

[@kiawahconservancy.org](mailto:@kiawahconservancy.org)

### **Matt Hill - KICA Lakes Management**

23 Beachwalker Drive

Kiawah Island, SC 29455

768-2315

[matt.hill@kica.us](mailto:matt.hill@kica.us)

**Sara Senst - ARB**

130 Gardeners Circle, Suite 123

Johns Island, SC 29455

768-3419

[Amole@kiawah.com](mailto:Amole@kiawah.com)

**Liz King - KIGR**

1Sanctuary Drive

Kiawah Island, SC 29455

768-6001

[liz\\_king@kiawahresort.com](mailto:liz_king@kiawahresort.com)

**Aaron Given - TOKI**

4475 Betsy Kerrison Parkway

Kiawah Island, SC 29455

768-9166

[agiven@kiawahisland.org](mailto:agiven@kiawahisland.org)

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**\*proposed new member**

# The Town of Kiawah Island

## Environmental Committee Charter

- I. The Town Council established the Kiawah Island Environmental Committee on January 14, 2003. Its function is to proactively manage and advise on a broad array of environmental issues including those of the Wildlife Committee, which it replaced.
- II. The Committee shall be constituted with not less than six nor more than eighteen members. The Environmental Services Wildlife Biologist will Chair the Committee. A member of Town Council with oversight responsibility for environmental concerns shall serve as Liaison. Other members shall include Kiawah property owners and representatives from Kiawah Island organizations with interests in environmental issues.
- III. The members shall be approved by the Mayor and Town Council.
- IV. Terms for the Committee members shall be for one year and expire annually on January 31. The Mayor and Town Council may reappoint Committee members for successive terms as approved.
- V. The Committee will perform the following functions:
  - a. Study and report on environmental issues, as may be referred by Town staff, Town Council, or self-generated.
  - b. Serve as an advocate for the protection of island wildlife and their habitat, including, but not limited to: birds, fish, reptiles, amphibians, plants, trees, and invertebrates.
  - c. Provide and/or support educational programs aiming to increase public awareness of Kiawah's natural environment and wildlife.
  - d. Support efforts to maintain a healthy island ecosystem, including beach, ponds, marsh, dunes, and maritime forest.
  - e. Support efforts to control invasive species on Kiawah Island.
  - f. Support ocean, river, and pond water quality monitoring efforts.
  - g. Make recommendations to Town Council on ways to improve the quality of environmental services, the cost effectiveness of such services and whether contractors or town staff should perform such services.
  - h. Request, review, and selectively approve applications for funding of natural resource and environmental initiatives. Approved initiatives will be presented to Town Council for funding approval.
- VI. The Environmental Committee shall coordinate its efforts, as appropriate, with the activities of County, State, and Federal Agencies and with other organizations sharing a similar purpose.

- VII.** The Environmental Committee may solicit the assistance of others to assist committee members in carrying out the committee activities.
- VIII.** Committee meetings shall be noticed and open to the public as is required by State Law. In addition to committee members, other invited guests and special consultants may participate from time to time.
- IX.** The Committee will be responsible to the Town Council and has no authority to spend funds or supervise staff except as approved by Town Council. Annually, the Committee will develop a budget for review/approval by the Ways and Means Committee and final approval of the Town Council. The Committee Liaison shall report to Town Council at regularly scheduled Town Council meetings.



# TOWN OF *Kiawah Island*®

## Mayor

Craig E. Weaver

## Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

## Town Administrator

Stephanie Monroe Tillerson

## 2019 Planning Commission Members

*The Commission is composed of 7 members appointed by the Mayor and Town Council. Appointments are for four year terms.*

### **\*Fred Peterson, (2023)**

5544 Green Dolphin Way

Kiawah Island, SC 29455

(843) 670-9512

Email: [fred.m.peterson@gmail.com](mailto:fred.m.peterson@gmail.com)

### **\*Gale Messerman (2023)**

56 River Marsh Lane

Kiawah Island, SC 29455

(843) 768-8900

Email: [galesmesserman@gmail.com](mailto:galesmesserman@gmail.com)

### **William (Bill) Dowdy (2021)**

87 Bufflehead Drive

Kiawah Island, SC 29455

(843) 641-0160

Email: [Dowdy.bill@yahoo.com](mailto:Dowdy.bill@yahoo.com)

### **Robert (Brit) Stenson (2020)**

142 Blue Heron Pond

Kiawah Island, SC 29455

(843) 768-4242

Email: [britstenson@gmail.com](mailto:britstenson@gmail.com)

### **Andrew J. Capelli, (2021)**

160 Governor's Drive

Kiawah Island, SC 29455

(843) 768-9113

Fax: (843) 768-0399

Email: [acapelli35@hotmail.com](mailto:acapelli35@hotmail.com)

### **Larry Iwan (2022)**

35 Salt Cedar Lane

Kiawah Island, SC 29455

(843) 768-6626

Email: [plinyiwan@msn.com](mailto:plinyiwan@msn.com)

Vacancy

**\*to be re-appointed**

Revised 1/2/2019

## **Town of Kiawah Island Planning Commission Charter**

**Planning Commission:** The Planning Commission meets monthly to approve plats and make recommendations to the Town Council on planned development, zoning district, map amendments, text amendments, and comprehensive plan updates. Members, who are citizens of Kiawah Island, are appointed by the Mayor and Town Council. Members of this group serve for four (4) year terms.

**SECTION 6-29-330.** Areas of jurisdiction; agreement for county planning commission to act as municipal planning commission.

(A) A municipality may exercise the powers granted under the provisions of this chapter in the total area within its corporate limits. A county may exercise the powers granted under the provisions of this chapter in the total unincorporated area or specific parts of the unincorporated area. Unincorporated areas of the county or counties adjacent to incorporated municipalities may be added to and included in the area under municipal jurisdiction for the purposes of this chapter provided that the municipality and county councils involved adopt ordinances establishing the boundaries of the additional areas, the limitations of the authority to be exercised by the municipality, and representation on the boards and commissions provided under this chapter. The agreement must be formally approved and executed by the municipal council and the county councils involved.

(B) The governing body of a municipality may designate by ordinance the county planning commission as the official planning commission of the municipality. In the event of the designation, and acceptance by the county, the county planning commission may exercise the powers and duties as provided in this chapter for municipal planning commissions as are specified in the agreement reached by the governing authorities. The agreement must specify the procedures for the exercise of powers granted in the chapter and shall address the issue of equitable representation of the municipality and the county on the boards and commissions authorized by this chapter. This agreement must be formally stated in appropriate ordinances by the governing authorities involved.

**SECTION 6-29-340.** Functions, powers, and duties of local planning commissions.

(A) It is the function and duty of the local planning commission, when created by an ordinance passed by the municipal council or the county council, or both, to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The local planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.



(B) In the discharge of its responsibilities, the local planning commission has the power and duty to:

(1) prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter; and

(2) prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area:

(a) zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;

(b) regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;

(c) an official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it, as set forth in this chapter;

(d) a landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;

(e) a capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and

(f) policies or procedures to facilitate implementation of planning elements.

#### **SECTION 6-29-350. Membership; terms of office; compensation; qualifications.**

(A) A local planning commission serving not more than two political jurisdictions may not have less than five nor more than twelve members. A local planning commission serving three or more political jurisdictions shall have a membership not greater than four times the number of jurisdictions it serves. In the case of a joint city-county planning commission the membership must be proportional to the population inside and outside the corporate limits of municipalities.

(B) No member of a planning commission may hold an elected public office in the municipality or county from which appointed. Members of the commission first to serve must be appointed for staggered terms as described in the agreement of organization and shall serve until their successors are appointed and qualified. The compensation of the members, if any, must be determined by the governing authority or authorities creating the commission. A vacancy in the membership of a planning commission must be filled for the unexpired term in the same manner as the original appointment. The governing authority or authorities creating the commission may remove any member of the commission for cause.

(C) In the appointment of planning commission members the appointing authority shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the jurisdiction.





# TOWN OF *Kiawah Island*®

## Mayor

Craig E. Weaver

## Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

## Town Administrator

Stephanie Monroe Tillerson

## 2019 Public Safety Committee

*Members are appointed by the Mayor and Town Council and serve for one year terms. A member of Town Council shall serve as Committee Chairman.  
Terms expire January 31<sup>st</sup>.*

### **Maryanne S. Connelly, Chairman**

4927 Green Dolphin Way  
Kiawah Island, SC 29455  
973-610-4889  
[Fanwood1@gmail.com](mailto:Fanwood1@gmail.com)

### **Julie Beier**

**Northwood Retail**  
Kiawah Island, SC 29455  
(843) 768-6491  
[jbeier@northwoodretail.com](mailto:jbeier@northwoodretail.com)

### **Joe Pezzullo**

539 Oyster Rake  
Kiawah Island, SC 29455  
843-768-4313  
[eglejo1@comcast.net](mailto:eglejo1@comcast.net)

### **Yvonne Johnstone**

Kiawah Island Golf Resort  
Kiawah Island, SC 29455  
864-480-2509  
[yvonne\\_johnstone@kiawahresort.com](mailto:yvonne_johnstone@kiawahresort.com)

### **Bill Thomae**

112 Governors Drive  
Kiawah Island, SC 29455  
843-576-4083  
[william.thomae@yahoo.com](mailto:william.thomae@yahoo.com)

Revised 1/4/2019

**Town of Kiawah Island**  
**Public Safety Committee**  
**Charter**

- I. The mission of the Public Safety Committee is to assist the Town in meeting its state-mandated responsibilities to its citizens with regard to maintaining peace and order, and law enforcement, as set forth in Title 5 of the State of South Carolina Code of Laws and to initiate and consider proposals and methods to upgrade and improve public safety on the Island.
- II. A member of Town Council shall have oversight responsibility for public safety serving as Committee Chairman and not less than 4 nor more than 7 permanent residents and representatives from organizations with similar interests shall serve as members.
- III. The members of the Public Safety Committee shall be approved by the Mayor and Town Council.
- IV. The term for the members of the committee shall be for one year and expire annually on January 31. Committee members may be reappointed for successive terms as approved by the Mayor and Town Council.
- V. The Committee will perform the following functions:
  - A. Coordinate Town public safety and security activities with all other island security services.
  - B. Serve as liaison with the St. Johns Fire District, Charleston County Emergency Medical Services, and the Charleston County Sheriff's Office Supervisor of the Town's contracted CCSO deputies.
  - C. Monitor the performance and activities of the Town's contract beach patrol service.
  - D. Monitor the Code Enforcement activities of the Town for all areas within its jurisdiction.
  - E. Devise a long-term island security plan.
  - F. Ensure that in the event of natural disaster, appropriate plans are in force to accommodate evacuation, emergency law enforcement and any other services required to ensure the personal safety of all citizens, property owners, and visitors to Kiawah Island, and to secure all properties within the boundaries of the jurisdiction of the Town.
  - G. At the will and direction of Town Council, engage in any activities, investigations, analyses, etc. relating to public welfare and safety.
  - H. Make recommendations to Town Council on ways to improve the quality of public safety on the Island.
- VI. Committee meetings shall be noticed and open to the public as is required by State law. In addition to committee members, other invited guests and special consultants may participate from time to time.
- VII. The Committee will be responsible to the Town Council and has no authority to spend funds or supervise staff except as approved by Town Council. Annually, the Committee will prepare a budget request covering committee activities for submittal to Town Council for approval and inclusion in the overall budget, if appropriate. The Committee Chairman shall report to Town Council on regular Town Council meeting dates.