



Town of *Kiawah Island*

Mayor

Craig E. Weaver

Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

Town Administrator

Stephanie Monroe Tillerson

TOWN OF KIAWAH ISLAND TOWN COUNCIL MEETING

Via Live Streaming
August 4, 2020; 2:00 PM

AGENDA

- I. **Call to Order:**
- II. **Approval of Minutes:**
 - A. Minutes of the Special Call Town Council Meeting of June 29, 2020 [Tab 1]
 - B. Minutes of the Town Council Meeting of July 7, 2020 [Tab 2]
- III. **Mayor's Update:**
- IV. **Scheduled Citizen Comment** – Chad Goerner
- V. **Old Business:**
 - A. To Consider Approval of **Ordinance 2020-07** - An Ordinance to Amend Article 14 , General Offenses, Chapter 8, Short-Term Rental Permit and Regulations
– **Second and Final Reading** [Tab 3]
- VI. **New Business:**
 - A. To Consider Approval of **Resolution 2020-03** – Beach Management Plan [Tab 4]
 - B. To Consider Approval of the Amendment of **Emergency Ordinance 2020-03** [Tab 5]
 - C. To Consider Approval of the CARTA (*Charleston Area Regional Transportation Authority*) Proposed 2021 Fiscal Year Budget [Tab 6]
 - D. To Consider Approval of the Emergency Services Contract Amendment with Phillips and Jordan [Tab 7]
 - E. Discussion of State Accommodations Tax Promotion Funds
 - F. To Consider Approval of **Ordinance 2020-08** - An Ordinance to Amend Town Council Term Limit from 2-year term to 4-year term. [Tab 8]
- VII. **Town Administrator's Report:**
- VIII. **Council Member:**
 - a. Committee Updates
 - b. General Comments
- IX. **Executive Session:**

None
- X. **Adjournment:**



Tab | **1**

TOWN COUNCIL

Agenda Item

**TOWN OF KIAWAH ISLAND
TOWN COUNCIL MEETING
Municipal Center Council Chambers
June 29, 2020; 10:00am**

Special Call Meeting

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, Mayor Pro Tem
Maryanne Connelly, Councilmember
Dan Prickett, Councilmember

By Phone: Klaus Said, Councilmember

Also Present: Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney
Stephanie Braswell Edgerton, Town Communications Manager
Petra Reynolds, Town Clerk

II. New Business:

A. To Consider Approval of Additional Emergency Measures to Address Public Safety Concerns in Response to the Recent and Persistent Increase in Covid-19 Cases in The Greater Charleston Region

Mayor Weaver stated the draft of the proposed Ordinance was release yesterday publicly for comment and was amazed by the number of comments he received. He noted it was the largest number received on any topic in his years as mayor and included comments from Seabrook as well. Summarizing the feedback from the 90 plus emails received, he stated that while half included comments that elements of the Ordinance need to be stronger, support of an action to require face coverings on the island was nearly unanimous.

Mayor Weaver stated he wanted to make certain that there was a thorough discussion of the proposed Ordinance providing an ordinance and action that accomplished three things;

1. Effective in having addressed the problems and issues facing Kiawah
2. As clear and easy to understand as possible
3. Enforceable with limited Town Code Enforcement staff

Council members engaged in an in-depth discussion of each of the directives in the proposed Ordinance, making changes or additions to the language if deemed necessary.

Ordinance 2020-04 - An Emergency Ordinance of The Town Council of The Town of Kiawah Island Regarding Face Coverings;

1. *The directives and procedures adopted by the Town's prior Emergency Ordinance No. 2020-03 remain in place and is not amended or rescinded by this Emergency Ordinance.*
2. *"Face Covering" or "mask" means a cloth, fabric, or other soft or permeable material, without holes, that covers both the mouth and nose, and includes surgical masks, N- 95 respirators, face shields, handmade masks, bandanas, and neck gaiters.*

3. ***All persons, including employees, entering any business, other than a restaurant, must wear a face covering while inside the establishment. ~~Businesses are required to post a notice in their business visible to customers entering the business or waiting to enter the business, informing customers that the use of Face Coverings by customers and employees is mandated by law.~~***

Council members discussed adding to the directive those persons who are waiting to enter a business along with the need to clarify that all club and association facilities are included as part of the definition of a business.

Following the discussion, the Council agreed to change directive three to read:

All persons, including employees, entering or waiting to enter any business, club, or association facility other than a restaurant, must wear a face covering at all times.

4. ***Restaurants are required to adopt and enforce the Face Covering provisions of the Phase Two recommendations prepared and published by the South Carolina Restaurant and Lodging Association.***

Mayor Weaver indicated there was a significant amount of email feedback on inconsistencies in the use of face coverings and the desired change. He pointed out that directive would make mandatory the existing restaurant association guideline that employees who interact with customers use face covering. Council members discussed if the directive should be more encompassing to include a requirement for all employees inside a restaurant (in the back room) and the inclusion of outdoor dining.

Following the discussion, Council agreed to add, “Employees who interact with the public, including both indoor and outdoor dining, are required to wear a Face Cover” to directive four.

5. ***All persons waiting to enter a business establishment must wear a mask unless they can maintain social distancing of at least (6) feet from other persons, other than members of the same family or household.***

Mayor Weaver indicated that most email feedback was received on concerns with social distancing, specifically in restaurants, and the language in the directive as being too complicated, added too much discretion and needed to be clearer. Council members discussed simplifying the language to include that a face covering must be worn while waiting to be seated or waiting to receive takeout food.

Following the discussion, the Council agreed to change directive five to read:

All persons entering a restaurant establishment or waiting to pick up a carryout order must wear a mask at all times except when seated for dining or beverage service.

6. ***The following persons are exempted from the Face Covering requirement:***
 - a. ***Persons under the age of three years old; or***
 - b. ***Persons for whom a face covering would cause impairment due to an existing health condition or disability; or***
 - c. ***Persons who are actively eating or drinking; or***
 - d. ***Persons in private offices; or***
 - e. ***~~Persons exclusively with members of a family or the same household, and no other person other than such family or household is within the same enclosed area.~~***

Following the discussion, the Council agreed to strike item 6(e) from directive six.

7. ***Businesses and restaurants are responsible for enforcing this Emergency Ordinance with regards to their employees only and are subject to the penalties included herein for violations occurring inside of their business by employees. Essential businesses and restaurants are required to post a notice in their business visible to customers entering the business, informing customers that the use of Face Coverings by customers and employees is mandated by law. Failure to post such a notice is a violation of this Emergency Ordinance.***

Mayor Weaver stated the directive places a requirement on business to ensure that their employees wear a face covering and post a notice informing customers of the mandate to use face coverings or be in violation of the Ordinance.

Council members discussed changing the language to “posting a notice at each entry point to the business,” and the Town to outline what is expected to be noticed on the sign, enforcement capability, and the issues with holding a business responsible for customer compliance.

Following the discussion, the Council agreed to strike the word “essential,” adding language requiring posting a notice at each entry point, and to eliminate the repetitive statement in directive three requiring the posting of a notice by eliminating the last sentence in its entirety.

~~**Businesses are required to post a notice in their business visible to customers entering the business or waiting to enter the business, informing customers that the use of Face Coverings by customers and employees is mandated by law.**~~

- 8. This Emergency Ordinance may be enforced by the Town’s code enforcement officers. Persons violating this Emergency Ordinance will be subject to a criminal fine of \$25.00 plus required statutory assessments. Businesses not requiring employees to wear Face Coverings will be subject to a criminal fine of \$100.00 plus required statutory assessments. Each day of the infraction shall be considered a separate offense. In addition, any violation may be charged as an infraction with any other relevant civil or criminal penalties contained in the Kiawah Island Municipal Code, or civil or criminal penalties under state law, or federal law, including violations of S.C. Code Section 16-7-10 (Illegal acts during State of emergency), and penalties authorized pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State.**

Mayor Weaver indicated that emails, as well as Council feedback, expressed concern that the fine was too small to gain public attention. He pointed out that the statutory assessments that are added effectively increases the fine. He also discussed enforcement capability and roles of the deputies, Community Association security, and the Town’s code compliance department. The deputies cannot enforce Town ordinances but will support the Town efforts by providing assistance to a business owner or code compliance officer.

Following the discussion, Council members agreed not to increase the amount of any criminal fines.

- 9. All net fines (not including assessments or other payments directed elsewhere under State law) paid to the Town for violations of this Emergency Ordinance will be earmarked and donated to a nonprofit or charitable organization to be chosen at a later date.**
- 10. Should any provision, section, paragraph, sentence or word of this Emergency Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Emergency Ordinance as hereby adopted shall remain in full force and effect.**
- 11. This Emergency Ordinance shall take effect at noon on July 2, 2020.**

Council discussed the potential effective date considering the ability to release communications to the community and visitors, the upcoming holiday weekend, allowing time for business to make preparations to comply with the directives of the Ordinance, signage, and compliance support by rental owners and managers.

Following the discussion, the Council agreed to change the effective date to noon on July 1, 2020, and to provide a flyer to be distributed at the main gate.

- 12. This Emergency Ordinance shall remain in place until July 29, 2020, but shall automatically extend for one successive thirty (30) day period until August 28, 2020, unless acted on by Town Council.**

Dates in directive twelve were changed to correspond with the change in the effective date in directive eleven.

Mayor Weaver began the discussion of facing coverings being required in those public areas, bike paths, boardwalks, and the open areas in Freshfields, where social distancing is not possible. He noted that email feedback was on both sides of the issue.

Council members discussed the issues with challenges with the enforcement of the requirement, prioritizing enforcement in Freshfields, along with the medical data showing that the virus is transmitted through prolonged exposure, not in passing.

Following the discussion, Council Members agreed not to require face covering in those public areas where social distancing is not possible.

Mr. DeStefano – 31 Burroughs Hall

Mr. DeStefano stated most of his questions had been satisfactorily addressed and expressed his agreement with a requirement for all employees in a restaurant to wear face coverings. He also pointed out other establishments besides restaurants where the public gathers waiting to enter, agreed with the distribution of a summary of the island's requirements at the gate, and his opinion the enforcement was the most required on Saturday afternoon and Sunday morning at Freshfields.

Councilmember Connelly made a motion to approve Ordinance 2020-06 - An Emergency Ordinance for the Town of Kiawah Island requiring face coverings. Mayor Pro Tem Widuch seconded the motion.

Mayor Weaver reviewed a summary of each of the changes made to each of the directives, with the exception of directive four.

Councilmember Prickett made a motion to approve the amendments to Ordinance 2020-06 as summarized. The motion was seconded by Councilmember Connelly and was unanimously passed.

Mayor Weaver reviewed directive four, indicating a need for discussion on the language, which currently states, "Employees who interact with the public are required to wear a Face Cover" and alternative view that "All" be added to the statement.

Councilmember Connelly made a motion that directive four language state "Restaurants require all employees to adopt and enforce the Face Covering provisions of the Phase Two recommendations prepared and published by the South Carolina Restaurant and Lodging Association unless there is a safety reason why they should not." The motion was not seconded.

Mayor Pro Tem Widuch made a motion to approve the amendment to Ordinance 2020-06 directive four as summarized. The motion was seconded by Councilmember Prickett and was unanimously passed.

Mayor Pro Tem Widuch made a motion to approve Ordinance 2020-06 as amended. The motion was seconded by Councilmember Prickett and was unanimously passed.

Mayor Weaver stated that with the Ordinance passed, the next would be work on the communication and documents to go out to business owners, residents, and to the community, along with communication to rental owners and property managers. He thanked all of the people in the community who quickly responded with thoughts and comments.

Councilmember Connelly made the following statement;

Sometimes we can't see the forest through the trees. Today we are talking about masks, but it's really a much better bigger problem than that. Kiawah is not Nirvana as much as we think it might be. When the COVID 19 first hit residents, the residents followed the recommendations to a tee, and we were successful in escaping any major cases, but now it's different. The state statistics are frightening, and it is time to reckon with the reality that this is not Nirvana. State statistics show that the number of new cases reported as of yesterday was 1599, total cases in South Carolina 31,850, number of new deaths 15, the total number of deaths in South Carolina 707, number of hospitalized patients 908. The percent of tests that were positive 19.6 new high, the total number of tests in South Carolina 389,096. Charleston County has led the State in new confirmed cases. We need to take personal responsibility and consider ourselves and others in our community. Let us not be selfish. Help flat in the curve and follow the recommendations.

Councilmember Prickett expressed his appreciation to the Mayor and Town staff for the exceptional work that went into the Ordinance. He agreed with Councilmember Connelly's statement expressing the hope that everybody in the community realizes how serious this virus is.

Mayor Weaver again expressed his frustration with not being able to gain good insight into the numbers for Kiawah Island, specifically even though every effort has been made to get reporting on a municipal level.

III. Adjournment:

Mayor Pro Tem Widuch motioned to adjourn the meeting at 12:02 pm. The motion was seconded by Councilmember Connelly and carried unanimously.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date



Tab | 2

TOWN COUNCIL

Agenda Item

**TOWN OF KIAWAH ISLAND
TOWN COUNCIL MEETING
Via Live Streaming
July 7, 2020; 2:00 pm**

Minutes

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

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

Also Present: Stephanie Tillerson, Town Administrator
Dorota Szubert, Town Treasurer
Joe Wilson, Town Attorney
Stephanie Braswell Edgerton, Town Communications Manager
Jim Jordan, Town Biologist
Petra Reynolds, Town Clerk

II. Approval of Minutes:

- A.** Minutes of the Special Call Town Council Meeting of June 1, 2020
- B.** Minutes of the Town Council Meeting of June 2, 2020
- C.** Minutes of the Special Call Town Council Meeting of June 9, 2020
- D.** Minutes of the Special Call Town Council Meeting of June 15, 2020

Mayor Pro Tem Widuch made a motion to approve the minutes of the June 1, 2020, Special Call Town Council Meeting, the June 2, 2020 Town Council Meeting, the June 9, 2020, Special Call Town Council Meeting, and the June 15, 2020, Special Call Town Council Meeting. Councilmember Prickett seconded the motion, and the minutes were unanimously approved.

III. Mayor's Update:

Mayor Weaver stated that a major concern during the budget process was the impact of Charleston County's decision not to allocate any County Accommodations Tax funding to any municipalities in the coming year. He indicated that the coastal communities, which generate a significant portion of the taxes, objected to the County's approach and offered alternatives to restore some of the funding. Mayor Weaver indicated the County Council excepted a portion of the compromise and agreed to restore some of the funding. Once their revenues exceeded what was budgeted for the coming year, funding will be allocated by a defined percentage formula, up to the amount that was received in the previous year.

Mayor Weaver stated that the Parkway project is nearing completion, with the installation of the turn lanes and bike path having been finalized. The installation of the geo-grid in the area alongside the roadway, finishing asphalt work in the outbound lane, and the landscaping project are still pending.

Mayor Weaver gave an update following the face-covering ordinance that was passed in the previous week. He stated that, for the most part, high compliance with the ordinance by both businesses and individuals had been observed without the need for enforcement. He also noted

that while there was no negative feedback on the passing of the ordinance, there were those who felt that the ordinance should have required the use of facecovering in other areas like boardwalks and bike paths.

Mayor Weaver stated the statistics over the past three months show the number of new cases in the Johns Island zip code has risen from five to seven to 204. With the steady rise in new cases, he asked that the community stay vigilant in their efforts to stay safe.

IV. Presentations:

A. Status update on the Groundwater Table and Marsh Vulnerability Studies by Lee Bundrick, Kiawah Conservancy

Mr. Lee Bundrick, with the Kiawah Conservancy, provided an update to the Town Council on the current status of the projects with the Town, as well as their preliminary findings. Produced in early June was an interim report to the Town detailing current progress. This is a joint interim report drafted by members of the project teams from the Kiawah Conservancy, College of Charleston, and South Carolina Sea Grant Consortium.

Groundwater Table Study proposed in 2019 was focused on investigating groundwater conditions, specifically elevation and saltwater intrusion. The project utilizes a series of shallow groundwater monitoring wells across the Island and monitoring for water level and salinity. They were installed using an Eijkelpkamp auger, bailer, casing system developed for agricultural research in saturated soils. Described the installation of wells and monitoring equipment used and referenced a video produced by the Conservancy detailing the processes. There are currently 15 operational wells throughout Kiawah Island with measurements being taken with various equipment, including continuous data loggers that are currently deployed in the field. Mr. Bundrick described the current data being collected and noted a seasonal change in groundwater table elevation between mid-April and mid-May due to plant growth in the spring. They are looking to install ten additional wells and equipment by the end of the project.

Marsh Vulnerability Study proposed in 2019 is focused on identifying changes to vegetated shorelines within the tidal marshlands and cataloging infrastructure near or adjacent to the marsh using mapping software. Information from the study will help in drafting the Town's Marsh Management Plan and identify areas for habitat restoration efforts. Aerial imagery from 8 different years between 1977 and 2017 was used to identify marsh shorelines, with a preference for imagery taken during low tide events. The extent of shorelines covers an area between the Stono River, North Edisto River, and the southern bounds of Johns Island. Shorelines from two areas were shown and discussed: (1) at the confluence of Bass Creek and Cinder Creek and (2) the marsh east of the Kiawah River Bridge. Mr. Bundrick is currently working to clean up the data to analyze these shoreline changes through **Analysis of Marsh Boundaries Using R** (a/k/a AMBUR). AMBUR was developed by Chester Jackson to study the shoreline changes around Jekyll Island in Georgia and the South Carolina coastlines. Data on structures in and adjacent to marsh have been mapped by the project team. Mr. Lee Bundrick showed an example of this work within the area around Rhett's Bluff.

Council members commended the work being done by the Conservancy and agreed that it would have a significant impact on making better decisions going forward

V. Old Business:

A. Status update on the OCRM 2016-2018 lines by Jim Jordan, Town Biologist

Mr. Jordan stated that OCRM (Ocean and Coastal Resource Management) jurisdictional lines are updated every eight to ten years with the previous update being done in 2012. The latest update

for Kiawah was released in 2017 and significantly repositioned the lines landward in many areas. The concern expressed by many beachfront communities created considerable conversation, which lead to legislation being passed in 2018 that made changes to the revision process. Act 173 established that lines could no longer move seaward along with the newly created lines would be a hybrid, established at the most seaward position of either the 2012 or 2017 line. The lines established for the entire state in 2018, were not formalized until May of 2020. Act 173 also established a new revision cycle with the next revision to be conducted after January 1, 2024.

Mr. Jordan presented current jurisdictional lines and reviewed a comparison of the 2012 lines, the proposed 2017 lines, and the newly established lines. He noted that none of the jurisdictional lines on Kiawah have moved closer to the ocean from the 2012 lines and have no homes that are seaward of the setback line.

B. Bobcat/Rodenticide Update by Jim Jordan, Town Biologist

Mr. Jordan stated that the number of Bobcats on the Island has decreased, and the deer population has increased significantly due to the reduction of the Bobcat population. He identified the cause of the decline as the use of Second-Generation Anticoagulants (SGAs). SGAs are used to kill rodents, who consume bait accumulating super-lethal concentrations of the poison. These dead or dying rodents are eaten by a predator, such as bobcats, building up SGAs that can lead to a lethal level in the body and ultimately death.

Mr. Jordan discussed the effects on the bobcats by reviewing the known SGA deaths of the last two years and the results of the blood testing that was done earlier this year. He pointed out the mortality rate of collared bobcats in 2019 was at 66% and in 2020 to date at 50%. Historically the mortality rate was 10% or less.

Council discussion included the length of time the SGAs have been on the market and the recent shift in the industry to the use of SGAs as the probable cause for the sudden impact on the bobcat population. An in-depth discussion of the inability of the Town to regulate or ban SGAs and a strategy to pursue an educational plan, voluntary compliance, consumer-driven strategy to eliminate the use of SGA products on the Island included Mr. Ken Smith, Director of Operations, with Palmetto Exterminating and Mr. Steve Cole, Director, with the Clemson Department Pesticide Regulations.

C. Sea Level Rise “Resiliency/Adaptive Management” Plan Discussion

Mayor Weaver stated the report submitted in 2018 by the Sea Level Rise Sub-committee did three things:

1. It made the case that Sea Level Rise was an issue of concern to the Council and the community,
2. The possible impact and range over many years, and
3. Narrowed down what some of the key consequences could be.

Mayor Weaver noted the impact of the report is shown by the work being done, work on drainage and flood management by the Community Association, and the work on the groundwater and marsh studies being done by the Conservancy. After reviewing the actions having been implemented, he asked some of the former members of the sea level rise committee responsible for the original report to look at what a long-range plan would look like and how it would be implemented.

Mr. Jim Chitwood, Mr. John Leffler, Mr. Jack Kotz, and Mr. David Pumphrey, along with Mr. Lucas Hernandez and Ms. Cathy Pumphrey became the working group that took on the task. They examined what an adaptive management plan that will allow Kiawah to anticipate actions

necessary to adapt to or mitigate the unacceptable impacts of sea-level rise, flooding, and climate change might look like and how to initiate it. The group's work generated the "Recommendations for Developing an Adaptive Management Plan for Addressing the Impacts of Climate Change on Kiawah Island, SC.

Councilmembers, along with Mr. Chitwood, Mr. & Ms. Pumphrey, and Mr. Hernandez, engaged in an in-depth discussion of the model included in the adaptive plan and how to put it into place. Discussion included the need to identify the key issues and thresholds that need to be tracked, the creation of focus groups to pull together information on concerns from property owners, stakeholders, and the community, and a timeframe which has the first stage of identifying thresholds completed by November.

Mayor Weaver and Council agreed to support the model created by the workgroup and with the workgroup along with Town and Community Association staff, moving forward to begin work on identifying thresholds and implementation.

VI. New Business:

A. To Consider Approval of the Contract for Janitorial Services

Mayor Weaver stated that the contract for the Municipal Center janitorial services was reviewed and discussed by the Ways and Means Committee, who recommended approval of the bid proposal from Jan-Pro Cleaning Services.

Mayor Pro Tem Widuch made a motion to award the bid for janitorial services to Jan-Pro Cleaning Services for a one 1) year contract with two (1) year extensions in an amount not to exceed \$1,478.00 per month with the additional deep-clean cost of \$395.00. The motion was seconded by Councilmember Said and was unanimously passed.

B. To Consider Approval of the Proposed Changes to the Finance Department Accounting Policies and Procedures

Ms. Szubert stated that during the budget process, two new policies were discussed. The first was a recommendation from work on 2019 Budget to establish a Capital Improvement Fund, transferring \$1M dollars for the startup, and to establish an Emergency Fund transferring 20% of the revenues derived from Hospitality and Local Accommodations taxes. The second was a recommendation that the State Accommodations Tax allocations include translating the dollar figures into a percentage. Consistent with a percentage of the total SATAX funds collected, the funding allocation distribution would not exceed the dollar figure awarded with any excess funding placed in the next year's funding. These policies have been added to the Finance Department Accounting Policies and Procedures.

Mayor Pro Tem Widuch made a motion to approve the proposed changes to the Finance Department Accounting Policies and Procedures. The motion was seconded by Councilmember Connelly and was unanimously passed.

Mayor Pro Tem Widuch read a question from Ms. Wendy Kulick in which questioned the credit limits on credit cards for the Mayor at \$50,000.00 and the Mayor Pro Tem at \$39,500.00. She also questioned the perceived lack of oversight credit card charges and suggested requiring two signatures before charges are made. Ms. Szubert stated the high limit credit cards are used for emergencies such as the evacuation for a hurricane. Lower limit credit cards that are used by staff

and charges are reconciled, review, and signed off on by the Town Administrator or Mayor. Pre-approvals include emails and purchase orders.

C. To Consider Approval of Proposed Changes to the Short-Term Rental Ordinance

Ms. Tillerson stated that in the past six months, the Short-Term Rental (STR) Ordinance has been working well but now requires some amendments to the language to provide better clarity. She reviewed in detailed each of the proposed changes.

Councilmembers discussed the addition of subsection (h) in Section 14-506, stating that the provisions in the section will apply to the STR property at all times, including when the property is used by the owners, guests, or renters. The opinion was expressed that holding an owner that is using his STR rental to the provisions laid out for renters was unfair when an owner not renting does not have to comply with the same provisions. It was pointed out that the provisions only applies from dusk to dawn and that violations are notified as a reminder.

Councilmember Connelly made a motion to approve the first reading of Ordinance 2020-07 to amend the Short-Term Rental Ordinance 2019-08. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

VII. Town Administrator's Report:

Ms. Tillerson stated next Wednesday, Ms. Szubert, Ms. Fox, and Code Enforcement staff would be meeting with property managers and bike rental companies. The discussion will review violations that have occurred over the past six months, along with any problems or concerns they may have experienced.

VIII. Council Member:

- a. Committee Updates
- b. General Comments

IX. Adjournment:

Councilmember Prickett motioned to adjourn the meeting at 5:02 pm. The motion was seconded by Councilmember Connelly and carried unanimously.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date



Tab | 3

TOWN COUNCIL

Agenda Item

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2020-07

AN ORDINANCE TO AMEND ARTICLE 14 , GENERAL OFFENSES, CHAPTER 8, SHORT-TERM RENTAL PERMIT AND REGULATIONS

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 14, General Offenses, Chapter 5, Short-Term Rental Permit and Regulations, Sections 14-501, through 14-510, and;

WHEREAS, the Town Council believes that establishing specific regulations and licensing requirements for short-term rental units is necessary to protect the public health, safety, and welfare; and

WHEREAS, the Town Council wishes to amend the current sections relating to the regulation of short term rentals.

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 amend Article 14, General Offenses, Chapter 5, Short Term Rental Permit and Regulations by amending Section 14-502, and Section 14-506 in **Attachment “A”**.

Section 2 **Ordinance**

Section 14-502(5) created as follows;

- (5) It is the responsibility of the STR owner to report all gross income generated by each STR property, including gross income generated through a property management company, home-share platforms (such as VRBO, HomeAway, or Airbnb by way of example and not limitation), or any other source, in accord with the requirements of Sections 4-304 and 4-306 of the Town of Kiawah’s Municipal Business License Ordinance. Reporting all gross income can be accomplished a) through the application submitted by a property management company reporting total gross income for the STR property, including income generated by home-share platforms and other sources, or b) if the property management company will only report gross income generated by the property management company, the STR owner must submit a separate business license application reporting gross income that has not been reported by the property management company, such as gross income generated by home-share platforms or other sources. An STR owner’s failure to fully report all gross income, regardless of source, generated by a STR property is a violation of Section 14-507(a)(2) of this Chapter and Section 4-307 of the Town of Kiawah’s Municipal Business License Ordinance.

Section 14-506(f) is hereby amended as follows;

- (f) Bicycles and beach gear shall not be visible from the street side or adjoining properties from dusk to dawn for all single-family dwellings and multi-family dwellings. These articles shall be placed in the appropriate storage location from dusk to dawn and shall not be left in a driveway, yard, or parking lot from dusk to dawn. No articles of clothing, beach towels, or other similar items shall be draped over railings or deck chairs or be visible beyond property lines at any time of day or night.

Section 14-506(h) is hereby created as follows;

- (h) The provisions of Subsections (d), (e), (f), and (g) herein shall apply to the STR property at all times, including when the property in use by the owners, guests, or renters.

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 4TH DAY OF AUGUST 2020.

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

1st Reading: July 7, 2020

2nd Reading: August 4, 2020

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Chapter 5 Rental Applications and Regulations

The intent of these regulations is to promote public health, safety, and welfare and to discourage nuisance and behavioral issues associated with short-term rental properties in residential zoning districts, R-1, R-2, and R-3.

Sec. 14-501. – Definitions

The following words and phrases, as used in this Article, shall have the following meanings:

An authorized agent is an owner, the owner's agent, or the owner's designee who is normally available and authorized to respond to any issues arising from a short-term rental unit within two (2) hours and who is authorized to receive written notice on behalf of the owner.

CAPS is the maximum number of properties that may be licensed for short-term rental use, calculated as a percentage of total developed dwelling units and developable lots within each zoning district. Total properties are based on the records of the County Assessor's Office as of December 31 of each preceding year.

Destination or Private Vacation Clubs ("Destination Clubs") are classified as private and/or exclusive membership organizations or commercial businesses primarily engaged in providing short-term overnight accommodations and related services for its club members with non-ownership interest who seek alternative options to standard vacation home rentals. Destination Clubs typically own or lease properties from the owners on a long-term basis, provide those properties in a variety of locations to its members on a short-term basis, and model a membership access structure where its members purchase membership levels granting access to properties and personalized services. Properties offered by Destination Clubs to a member for less than thirty (30) days are considered STRs whether the Destination Club is an owner of record or a lessee. All references to

"owners" in this Chapter apply to Destination Clubs

Non-Conforming Use is a use which was lawfully established and maintained, but which does not comply with the use regulations applicable to new uses in the zoning district in which it is located; the use any of any land, building, or structure which does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

Owner in the context of short-term rental means the record owner of the property or any person or entity that leases from the record owner of the property, who engages in the business of furnishing for lease or for rent, either directly or through a third-party entity, a *short-term rental unit* and who must be licensed both as a business and under this Chapter.

Provisional Lot License (PLL) is a license that provides the owner of a vacant developable lot (hereafter referred to as "lot") the right to obtain a STR License. The PLL is valid for 3 years from issuance and guarantees the owner the right to obtain a Rental Business License upon issuance of a Certificate of Occupancy (CO). In the event construction is in the process, but a CO has not been issued, the PLL holder may appeal the expiration of the PLL to the Town Treasurer for an extension of up to 120 days.

Short-term rental (STR) property means an accommodation, rented or leased for less than thirty (30) consecutive days, used in a manner consistent with the residential character of the dwelling, when the property on which the accommodation is located is assessed, for county property tax purposes, as residential property. **Exceptions:** Rental properties that are available for rent for a period not to exceed 14 calendar days in a calendar year are exempt from the provisions of this Ordinance. Hotels, motels, inns, and bed and breakfasts are not considered STRs.

Any property which is leased from its owner on a long-term lease basis (30 days or greater), then made available by the leasee for short term rental or occupancy to a different party shall be considered a short-term rental and both lessor and leasee are subject to this ordinance. Vacation time-sharing plans are not short-term rentals and are not allowed pursuant to Section 14-201 of this Code.

Sec. 14-502. – Rental Business License Application

The town shall not grant a rental business license for a STR until the following conditions are satisfied:

- (1) An Owner or the Authorized Agent on behalf of the owner is required to obtain an annual Class 7 Rental Business License from the Town for each STR property prior to advertising or renting.
- (2) A Rental Business License application shall be completed for each STR by the owner or its authorized agent. The signed Rental Business License application shall be a legal and binding agreement acknowledging that all town ordinances and rental regulations shall be adhered to for the duration of the Rental Business License. The Rental Business License application shall be submitted, and subject to review, annually.

An owner of a lot within the R1/R2* area (see Table 15-805.1) may apply for a Rental Business License. Upon receipt of a completed application, the Town will issue, based on the availability of such licenses, a PLL.

- (3) The annual application fee for the Rental Business License, including lot applicants, is \$500 for any property in the R1 or R2 zoning districts subject to caps; \$200 for all other properties. In the event a license is not granted due to licenses being capped, the application fee will be suspended until such time that the application is approved, and a license is awarded. A license is nontransferable between owners. A change in ownership of the STR property shall require the new owner or its authorized agent to apply for a new license for the dwelling unit or lot, subject to license availability. The previous owner is responsible for all charges prior to the change of ownership and is responsible for properly closing his/her license with the Town of Kiawah Island.
- (4) If the applicant is someone other than an owner, the applicant shall submit a copy of the owner's written authorization of the applicant's right to apply for the rental business license. Where the property is leased to the applicant, the applicant must attach a copy of the lease.
- (5) It is the responsibility of the STR owner to report all gross income generated by each STR property, including gross income generated through a property management company, home-share platforms (such as VRBO, HomeAway, or Airbnb by way of example and not limitation), or any other source, in accord with the requirements of Sections 4-304 and 4-306 of the Town of Kiawah's Municipal Business License Ordinance. Reporting all gross income can be accomplished a) through the application submitted by a property management company reporting total gross income for the STR property, including income generated by home-share platforms and other sources, or b) if the property management company will only report gross income generated by the property management company, the STR owner must submit a separate business license application reporting gross income that has not been reported by the property management company, such as gross income generated by home-share platforms or other sources. An STR owner's failure to fully report all gross income, regardless of source, generated by a STR property is a violation of Section 14-507(a)(2) of this Chapter and Section 4-307 of the Town of Kiawah's Municipal Business License Ordinance.

Sec. 14-503. – Permit and Operating Requirements

- (a) It shall be the sole responsibility of the STR owner directly or through his or her authorized agent to notify and educate the guests of all applicable STR rules and regulations, including all rules encompassed in Section 15-806.
- (b) No owner or his or her agent may advertise a STR property in any manner that would constitute a violation of this chapter. The property owner and his/her authorized agent shall be jointly responsible for the accuracy of advertising of all STR properties as required in 15-803(c).

- (c) The advertisement of any STR properties must include the rental business license number, the maximum number of vehicles permitted for overnight parking, number of approved bedrooms, and the maximum allowable occupancy
- (d) Prior to the issuance of a STR rental business license, all first-time STR's applying for a license or any property requesting a change in the number of bedrooms or a change in parking capacity are subject to and must pass a rental property inspection pursuant to Section 15-803 (e).
- (e) All rental properties shall remain compliant with the current edition of the International Property Maintenance Code (IPMC). All STR properties are subject at any time, with notice, to inspection for compliance to the IPMC and/or Town ordinances. Inspections will include, but not limited to:
 - (1) Smoke Alarms. Smoke alarms are required in each bedroom and the hall leading to the bedroom.
 - (2) Carbon monoxide detector.
 - (3) Sprinkler System. If the residence has a fire sprinkler system, it shall be the owner's or their authorized agent responsibility to furnish documentation to the code enforcement officer that their sprinkler system received an annual inspection and is in proper working order.
 - (4) Fire Extinguishers. A fire extinguisher meeting the requirements as a 1-A: 10-B:C shall be under the kitchen sink in all rental units.
 - (5) Vehicle Parking Spaces. Verification of the number of vehicle parking spaces permitted on site as set forth in Sec. 15-806 (d).
 - (6) Bedroom Count. Verification of the number of bedrooms within each rental unit as set forth in Sec. 15-806 (c).
 - (7) Structural Elements. Decks, stairs, handrails, and guardrails including boardwalks.
 - (8) Enclosed Trash Receptacles. Trash receptacles shall be enclosed in a garage or approved screened enclosure.
 - (9) Posted Address and Contact Information and Rules and Regulations. Each rental unit shall furnish the property's address, and the owner's or authorized agent's contact information, including all other information required by Section 15-806, inside the unit in a visible place to occupants in the event an emergency.

Sec. 14-504. – Rental Business License

- (a) Article 4 – Finance and Taxation, Chapter 3. - Municipal Business Licenses, regulates all business licenses. The following additional regulations apply specifically to STR business license.

- (b) A short-term Rental Business License expires annually on December 31st. License holders must renew each calendar year and have until February 28th of the following year to renew their license without penalty. As of March 1st, if the holder of an expired license submits a renewal request, one of the following conditions shall apply:
- 1) If the property is in an R1 or R2 zoning district, and the License Cap in Table 15-805.1 has not been reached, the license is renewable subject to a \$1000 late fee, plus all applicable fees.
 - 2) For properties in all other zones, the license is renewable subject to a \$1000 late fee, plus all applicable fees.
 - 3) If the property is in an R1 or R2 zoning district subject to caps, and the Town is unable to issue a STR business license solely due to the percentage Caps established herein, (see 15-805.1), a new application can still be filed, and the applicant will be placed on a waiting list. If a permit becomes available, the Town will notify the applicant who has been on the waiting list the longest and allow him/her 7 business days to provide the Town with any and all information necessary to ensure the application is current and otherwise complies with the ordinance. If the applicant fails to respond and/or provide current information within 7 business days, the Town shall remove the applicant from the waiting list and repeat the process until a STR business license, or PLL, has been issued, or all of the applicants on the waiting list have been notified.
 - 4) Late renewals (after the close of business on Feb 28th), are not permitted for non-conforming use properties previously holding a valid STR business license, including Destination or Vacation Clubs.
- (c) A license holder shall provide proof of accommodation tax payments for the previous year at the time of license renewal. Failure to pay all required accommodation taxes constitutes grounds to not renew a rental business license.
- (d) All fees related to STR business licenses must be paid in full at the time of application. Upon the closing of the license, the licensee is responsible for notifying the Town and properly closing their account.

Sec. 14-505. – Short-term Rental Property Caps

Short term rental Caps are established in the R1 zoning district and identified R2 zoning districts (see Table 15-805.1 for details). The limitations and requirements of this section apply to short-term rental properties in the Town's R1 and R2* zoning districts.

- (1) License Caps. Licenses for rental properties shall be distributed on a first-come, first-serve basis. Active licenses expire annually on December 31 of each year. Applications received after February 28th are subject to late fees as defined in Sec. 15-804(b)(1)(2).
 - a. Properties holding a rental business license will have first preference to renew by February 28th to maintain their license, as long as the license is in good standing with the Town.

ADOPTED STR ORDINANCE 11-5-19 EFFECTIVE 1-1-20

- b. Available licenses are subject to the percentage of rental caps allowed within the zoning district, pursuant to Table 15-805.1, Rental Property Zoning Caps.
 - c. If a license cap is reached within the R1/R2* zoning district, the applicant will be placed on a waiting list until a license becomes available, consistent with provisions in Section 15-804 (b)(3).
 - d. STR or PLL licenses are not transferable. In the event of the transfer of property ownership, including the transfer of interests in corporations or partnerships that own a licensed property, the new owner may apply for a new STR or PLL license, subject to Section 15-802 and all other provisions of this ordinance. **Exception:** Intra-family transfers of property can include the transfer of a STR or PLL license.
 - e. A license may be subject to expiration or may not be renewed should an owner report <\$3,000 of annual rental revenue. In the event of annual revenue below \$3,000, an owner will need to demonstrate the short-term rental property was available and advertised for rental throughout the previous year.
- (2) In calculating the number of rental business licenses available in any calendar year, the calculation will be based on the percentages defined in Table 15-805.1

Table 15-805.1: Rental Property Zoning Caps			
Zoning District	R-1 and R-2*	All other R-2	R-3
Maximum % of STR properties allowed	20%	No Limit	No Limit
<p><i>Rental percentages are a ratio of rental licenses (including PLL's) to developed lots within the R1 zoning district, and the specific R2 zoned areas identified below. Developed lot numbers are defined from the County Assessors Office as of December 31 of the prior calendar year.</i></p> <p><i>*R-2 districts include: Indigo Park, Ocean Oaks, Ocean Park, and Silver Moss, Osprey Point (Club Cottage Lane, Marsh Cottage Lane, and Shell Creek Landing)</i></p>			

- (3) Destination Clubs and Private Vacation Clubs are not permitted by the Town's zoning regulations in Residential Zones R1, R2, and R3 unless the Destination Club complies with the following requirements:
- a. The Destination Club obtains a STR business license;
 - b. The Destination Club pays all required State Sales Tax (8%), State (2%), County (2%) and Local Accommodation (1%) Taxes on gross receipts collected from STR's;

- c. The Destination Club complies with all other rules and regulations applicable to STR's;
- d. The Destination Club provides no commercial services on the subject property; and
- e. The owner of the property obtains a business license.

Any applicable properties in R1, R2, or R3 holding a valid STR business license as of the effective date of this ordinance shall be grandfathered and included in calculating the license cap, subject to the following conditions:

- a. Residential Business Licenses expire as of December 31st of each year. The license holder has until February 28th of the following year to renew. Failure to renew by the close of business on February 28th will result in the expiration of the license.
- b. No late renewals will be permitted for non-conforming use properties, including Destination Clubs and Vacation Clubs.
- c. All grandfathered properties shall remain subject to the requirements of this Chapter as STRs.
- d. Destination Clubs and Private Vacations Clubs are permitted in Zones R2/Commercial, R3/Commercial, RST-1, RST-2, RST-1/R3, R-2(DA), R-3(DA), and RST-2(DA) are subject to the approval of uses prescribed in the Zoning Ordinance and the requirements of this Chapter as STRs.

Sec. 14-506. - Notice of Rental Residence Rules and Regulations

- (a) The Town shall promulgate and distribute Rules and Regulations applicable to the rental of residential property to all property management companies and/or the owners. An owner or authorized agent shall furnish a copy of the rules and regulations to each rental guest. In addition, the owner (or authorized agent) shall post a copy of the rules and regulations in a visible location within each rental unit.

(b) Local Contacts.

- (1) The owner (or authorized agent) who does not reside within the Charleston Metro Area must identify an individual or individuals to serve as local contacts and be authorized and able to respond to emergency conditions or complaints affecting the property and to inquiries from all entities having jurisdiction over the rental property.
- (2) The owner (or authorized agent) must have a 24-hour contact phone number posted in a visible location within each unit
- (3) A local contact designated under subsection (1) must be present within the Charleston Metro Area and be accessible and available to respond within two hours after being notified of an emergency by a guest of the short-term rental, or by a Town employee during any 24-hour period.

- (4) If there is a change to a local contact, the owner or authorized agent must provide updated or new information to the Town of Kiawah Island Business License Department in writing within three business days.

(c) Maximum Occupancy.

The maximum occupancy for all short-term rental properties is two occupants per code-compliant bedroom. Two additional occupants are allowed per dwelling unit. *As an example, a four-bedroom rental property shall have a maximum of ten occupants.* Children under the age of 2 are not included in calculating maximum occupancy.

- (1) The number of bedrooms for purposes of determining occupancy shall be based on Charleston County Property Tax records. Should a rental business license applicant seek to claim more bedrooms than shown on Charleston County records, the owner or its agent shall contact the town code enforcement office for review and determination prior to renting the unit. Such review will consider the additional bedrooms per the building code requirements.
- (2) Temporary conversion of rooms such as dining rooms, living rooms, studies, etc., for use as bedrooms for rental purposes, is not permitted.

(d) Parking and Driveways. The maximum number of vehicles permitted for overnight parking for each single-family dwelling unit shall be in accordance with the number of parking spaces as defined on the rental application.

- (1) Vehicles may only be parked on permanent paved or gravel parking surfaces, as approved by the Town or other entity having jurisdiction. Parking on grass or landscaped areas is prohibited at all times.
- (2) Vehicles must be parked in a manner that permits the free passage of emergency vehicles. Overnight parking in driveways must allow emergency vehicles to within 25 feet of the residence.
- (3) If a garage is utilized to determine allowable parking, access shall be provided at all times that the short-term rental is operational.
- (4) Parking for villa units shall be in parking lots that are integral to the villa complex.
- (5) Pickups greater than one-half ton, and cargo vans greater than 12 passengers, recreation vehicles (RVs), buses, trailers, boats, and other large vehicles are prohibited from parking overnight at residential dwellings. Vehicles shall not be used for sleeping or overnight accommodations.
- (6) STR properties must comply with St. Johns Fire District requirements and applicable Architectural Review Board regulations for residential zoning districts (R-1, R-2, and R-3) which require that driveway clearance for fire trucks be a minimum of ten feet wide for straight drives and have a height clearance of 13.6 feet.

(e) Trash Collection.

- (1) Rental dwelling units shall subscribe to back-door trash collection two times per week, including recycling service. Trash receptacles shall be stored in an enclosed garage or approved screened enclosure whereby the receptacles are not visible from the street.
- (2) Villas shall use provided dumpsters for trash disposal. Dumpster pick-up service shall be sufficiently frequent to avoid trash overflow. Dumpsters shall be stored on an approved screened pad.
- (f) Bicycles and beach gear shall not be visible from the street side or adjoining properties from dusk to dawn for all single-family dwellings and multi-family dwellings. These articles shall be placed in the appropriate storage location from dusk to dawn and shall not be left in a driveway, yard, or parking lot from dusk to dawn. No articles of clothing, beach towels, or other similar items shall be draped over railings or deck chairs or be visible beyond property lines at any time of day or night.
 - (1) Villa complexes shall provide adequate bicycle racks for overnight bicycle storage. All other gear shall be stored indoors or in provided storage closets.
- (g) All exterior lighting shall comply with Article 16 – Beach Management, Chapter 1. - Beach Lighting, which regulates beach lighting to protect sea turtle hatchlings.
- (h) The provisions of Subsections (d), (e), (f), and (g) herein shall apply to the STR property at all times, including when the property is in use by the owners, guests, or renters.

Sec. 14-507. - Violation of Rental Regulations

(a) It shall be a violation of this chapter to:

- (1) Operate a rental property without complying with the requirements of this chapter and the Town code of ordinances;
- (2) Make a misrepresentation on a short term rental business license application;
- (3) Advertise, offer, or otherwise make available, a property as being available as a rental without first complying with the requirements of this chapter; excluding properties exempt from these provisions of the rental program not exceeding 14 calendar days on an annual basis;
- (4) Expand the allowable occupancy or parking of a rental unit without obtaining a new license;
- (5) Advertise a rental property as being available for more overnight occupants than have been permitted pursuant to this chapter;

- (6) Advertise or rent separate guest houses or pool houses as an independent rental unit. Such units can be included under a rental business license issued to a single address, but it cannot be rented as a stand-alone unit;
- (7) Rent out a portion only of the rental or individual rooms of a property, to include detached homes, villas, cottages, and any other property designation. No rental business license will be issued unless the subject property is to be rented in its entirety. Owners are permitted to lock off closets or bedrooms from guest access;
- (8) Operate a commercial business in a STR property. Examples include, but are not limited to catering, telemarketing, or distribution of goods; and
- (9) Prune or otherwise alter vegetation and dunes without the required permits from the Town or other applicable jurisdiction (Kiawah Island Community Association, or the Kiawah Island Architectural Review Board).

Sec. 14-508. – Liability

- (a) Any person violating any provision of this ordinance shall be subject to a fine of up to \$500 plus required statutory assessments or imprisonment for not more than 30 days, or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for the violation shall not relieve the offender of liability for delinquent taxes, penalties, and any other costs.
- (b) An owner may authorize an agent or property management firm to comply with the requirements of this ordinance on behalf of the owner. However, the owner shall not be relieved from any personal responsibility and personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and rental of the STR property, regardless of whether such noncompliance was committed by the owner's authorized agent, local contact person, renter or guest of the short-term rental.
- (c) A property management firm or authorized agent shall be jointly and severally liable for any violations occurring on any of its managed STRs in the Town.

Sec. 14-509. – Revocation or Suspension of a Short-term Rental Business License

In addition to applicable fines and penalties:

- (1) The failure of the rental business licensee to comply with any sections of this ordinance shall constitute grounds for the suspension or revocation of the license. Any action to suspend or revoke the license shall be conducted by the Treasurer or designee in accordance with Municipal Code, Chapter 3, Municipal Business License, Section 4-315.
- (2) Any property with three violations of this ordinance during any 12-month rolling period and found guilty by admissions or by the Municipal Judge will be considered cause for license revocation. The owner or agent may reapply for a new STR license no

sooner than twelve months after revocation, subject to all provisions contained herein.

On receipt of notice of revocation or suspension, the owner (or authorized agent) shall immediately stop the operation of the short-term rental establishment. All advertisements for future short term rentals shall immediately cease. If such property is advertised or occupied by short term renters after the revocation or suspension of the STR license, fines shall be levied against the owner and agent.

Sec. 14-510. - Appeals to Town Council

- (a) A person aggrieved by the town's decision to revoke, suspend, or deny a rental business license may appeal the decision to the town council. The appeal must be filed in writing within 30 calendar days with the Town Clerk after the revocation, suspension, or denial and it shall set forth a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension, or denial, pending a decision on the appeal by the Town Council.
- (b) The Town Council shall consider the appeal in an open hearing at a regular or special meeting within 30 calendar days after receipt of a request unless otherwise agreed to, in writing, by the town and the aggrieved party.



Tab | 4

TOWN COUNCIL

Agenda Item

Town of Kiawah Island

RESOLUTION 2020-03

WHEREAS, the Town of Kiawah Island, South Carolina, is a coastal barrier island of approximately 10,000 acres, with approximately 10 miles of beachfront, and;

WHEREAS, the Town of Kiawah Island is desirous of protecting the health and safety of its property owners and visitors and enhancing their recreation and enjoyment of the beach, and;

WHEREAS, the Town Council of Kiawah Island adopted a Local Comprehensive Beach Management Plan in 1991 and enacted ordinances to protect the beach and dunes, and natural resources and habitats, and;

WHEREAS, in 1988 South Carolina the South Carolina “Beachfront Management Act” (Coastal Tidelands and Wetlands Act, as amended, §48-39-250 et seq.) established a comprehensive statewide beachfront management program with eight policies to guide the management of ocean beaches; and

WHEREAS, the Beachfront Management Act requires the creation of a comprehensive, long-range beach management plan and requires local beach management plans for the protection, preservation, restoration, and enhancement of the beach/dune system, each promoting wise use of the state’s beachfront to include a gradual retreat from the system over a forty-year period, and;

WHEREAS, the Town desires to adopt the updated Town of Kiawah Island Beach Management Policy and Revised Local Comprehensive Beach Management Plan.

NOW, THEREFORE, BE IT RESOLVED that the Town of Kiawah Island approves the 2020 Beach Management Plan and Policy.

MOVED, APPROVED, AND ADOPTED THIS 4th DAY OF AUGUST, 2020.

Craig Weaver, Mayor

ATTEST:

By: _____
Petra S. Reynolds, Town Clerk

TOWN OF KIAWAH ISLAND



2020 LOCAL COMPREHENSIVE BEACH MANAGEMENT PLAN





Tab | 5

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND

ORDINANCE 2020-03.1

AN AMENDED EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KIAWAH ISLAND REGARDING RESTRICTIONS ON RESTAURANTS, ESTABLISHMENTS THAT POSSESS A STATE PERMIT TO SELL ALCOHOL, OTHER BUSINESSES AND FACILITIES, AND ESSENTIAL BUSINESSES THAT SERVE PREPARED FOOD

The Town Council of the Town of Kiawah Island, South Carolina, duly assembled, hereby ordains that the following Emergency Ordinance be adopted pursuant to South Carolina Code § 5-7-250:

WHEREAS, the Governor of the State of South Carolina continues to modify and rescind his Executive Orders setting forth restrictions related to the Coronavirus outbreak, including orders regarding social distancing; and

WHEREAS, the Governor initially has lifted most, but not all, restrictions on businesses or replaced mandatory restrictions with suggestions that businesses follow industry guidelines; and

WHEREAS, on July 29, 2020, the Governor announced that he will be issuing a new Executive Order, going into effect on August 3, 2020, that will make the guidelines first established by AccelerateSC mandatory. These now mandatory guidelines govern restaurants, other establishments that possess a state permit to sell alcohol, and other businesses, facilities, venues, events, or mass gatherings; and

WHEREAS, mandatory restrictions addressing occupancy limits, social distancing, and sanitation at essential businesses, which were enacted by Governor McMaster's Executive Order No. 2020-21, remain in place and have not been repealed by the Governor; and

WHEREAS, in light of the foregoing, Town Council of the Town of Kiawah Island deems it proper and necessary to amend its prior emergency ordinance and adopt this emergency ordinance in order to address how the Town and Council will proceed in light of the above emergency;

NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AS FOLLOWS:

1. All directives and procedures adopted by the Town's prior Emergency Ordinances, Ordinance No. 2020-01 and No. 2020-02 are hereby rescinded as of this date with the following exceptions.
2. The Town adopts all Emergency Orders as amended issued by the State of South Carolina Governor Henry McMaster related to the coronavirus, including the Emergency Order described in Governor McMaster's July 29, 2020 press release.
3. All restaurants and other establishments that possess a state permit to sell alcohol must comply with the Governor's Executive Order No. 2020-45 as well as the Executive

Order described in Governor McMaster's July 29, 2020 press release, and shall comply with the following mandatory restrictions:

- A. The sale or consumption of beer, wine, or alcoholic liquor in all restaurants and other establishments that possess a state permit to sell alcohol is prohibited between the hours of 11:00 PM and 10:00 AM. The sale of beer, wine, or alcoholic liquors for off-premises consumption is not covered by this restriction;
 - B. Operating dine-in services at no more than 50% of the certificate of occupancy issued by the fire marshal;
 - C. Employees and patrons shall be required to wear masks or face coverings;
 - D. Tables are to be spaced to keep dinners at least six feet apart;
 - E. No more than 8 customers per table unless from the same family; and
 - F. Standing or congregating in bar area of restaurant is prohibited.
4. Per the Governor's Executive Order, other types of businesses, facilities, venues, events or mass gatherings which are permitted to open but are required to implement AccelerateSC guidelines include the following: festivals, parades, concerts, theaters, stadiums, arenas, coliseums, auditoriums, grandstands, amphitheaters, gymnasiums, concert halls, dance, halls, performing arts centers, parks, racetracks, or similarly operated entities. These guidelines include, but are not limited to, the following:
- A. Attendance may not exceed 50% of the certificate of occupancy issued by the fire marshal – or 250 persons – whichever is less;
 - B. Require the wearing of masks for face coverings as a condition of admission or participation;
 - C. Enact social distancing, cleaning and hygiene practices as recommended by AccelerateSC; and
 - D. End the sale of alcohol at 11:00 PM.
- 3-5.** All essential businesses covered by the Governor's Executive Order No. 2020-21, Section 1(I) must comply with occupancy rate, social distancing practices, and sanitation requirements included in the Governor's Executive Order No. 2020-21, Section 1(I), which includes the following restrictions:
- A. Emergency Maximum Occupancy Rate. The business shall limit the number of customers allowed to enter and simultaneously occupy the premises so as not to exceed five (5) customers per 1,000 square feet of retail space, or twenty percent (20%) of the occupancy limit as determined by the fire marshal, whichever is less.
 - B. Social Distancing Practices. The business shall not knowingly allow customers, patrons, or other guests to congregate within six (6) feet of one another, exclusive of family units.
 - C. Sanitation. The business shall implement all reasonable steps to comply with any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials.

4.6. All essential businesses covered by the Governor's Executive Order No. 2020-21, Section 1(I) must also limit customers entering the business to a single person per family or group at a time, except for shoppers with small children when no other adult is present, and persons who, for medical reasons, require assistance. At any point, when a business is under a Town or Governor's Order, which limits the maximum occupancy to less than approved by building or fire authorities, the revised occupancy level must be prominently displayed at all entrances. If applicable to the business, the requirement for "a single person per family or group" must be prominently displayed at all entrances.

5.7. Violators of any provision contained in this Emergency Ordinance will be subject to a ~~criminal~~^{civil} fine of up to \$500.00 plus required statutory assessments. Each day of the infraction shall be considered a separate offense. In addition, any violation may be charged as a ~~criminal~~ infraction with any other relevant ~~criminal~~^{civil} penalties contained in the Kiawah Island Municipal Code, or civil or criminal penalties under state law, or federal law, including violations of S.C. Code Section 16-7-10 (Illegal acts during state of emergency), and penalties authorized pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State.

6.8. All net fines (not including assessments or other payments directed elsewhere under State law) paid to the Town for violations of this Emergency Ordinance will be earmarked and donated to a nonprofit or charitable organization to be chosen at a later date.

7.9. The provisions of this Emergency Ordinance will expire on August ~~27~~⁸, 2020 unless modified or rescinded earlier by Executive Order of the South Carolina Governor or by vote of Town Council.

MOVED, APPROVED AND ADOPTED THIS ~~4th~~^{15th} DAY OF ~~AUGUST~~^{JUNE}, 2020.

Craig Weaver, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: ~~August 4~~^{June 15}, 2020

No Second Reading per S.C. Code § 5-7-250



Tab | 6

TOWN COUNCIL

Agenda Item



Charleston Area Regional Transportation Authority

MEMORANDUM

TO: Member Governments
FROM: Robin W. Mitchum, Deputy Director of Finance and Administration
SUBJECT: FY20/21 Proposed Budget
DATE: June 17, 2020

The CARTA Board of Directors approved the Fiscal Year 20/21 Proposed Budget today. This proposed budget is based on actual and projected revenue and expenditures for the upcoming fiscal year. Because of these uncertain times and unknown factors, this budget will be revised during the fiscal year to reflect actual changes to revenues and expenses. The BCDCOG staff monitors all activities monthly and makes decision based on those activities. Below is a brief overview on the budgeted line items for your consideration.

Revenues

A detailed explanation of line item changes are as follows:

- Fare and contract revenues have been estimated based on the prior year's revenue.
- The City of Charleston HOP contribution is unlikely at this time, so we have removed it from the budget.
- Federal revenue includes estimated 5307 Urban funds, 5310 Enhanced Mobility for Seniors & individuals with disabilities, and 5307 CARES Act funds. CARTA receives funds as a direct recipient from FTA and Pass Through funds from the BCDCOG. Capital funds are reflected in the capital revenues budget.
- State Mass Transit Funds are operating funds used as match to 5307 Urban funds.
- Sales Tax – Charleston County capital matching requirements are reflected in the capital revenues budget line item.
- Interest, Insurance Proceeds, Sale of Assets, and Miscellaneous are unknown amounts that are not added as revenue until received or anticipated to be received.

Expenditures

A detailed explanation of line item changes are as follows:

- The reduction reflects actual the cost of Retiree Insurance only as a result of staff and management services now being provided by BCDCOG through the IGA Agreement.
- Postage increased to align the budget with average and estimated expenditures.
- Equipment rental increased by the addition of the Electric Bus Battery Lease agreements.

- Office Equipment Maintenance includes IT services (managed server services, email hosting, website management, and other general IT services), Camera system maintenance, and Automatic Vehicle Locator (AVL) software maintenance.
- Rent increased to reflect the rental agreement with Dorchester Village Shopping for the park and ride facility.
- Communications increased for the monthly digital radio frequency cost which is a per radio fee.
- Utilities increased for the new charging stations. Utilities include electric and water at the Superstop, Melnick Park and Ride, Leeds Avenue, and the charging stations at Leeds Avenue.
- Professional services increased with the addition of custodial services at Melnick Park and Ride and custodial sanitization services at the Super Stop to address COVID-19. Audit services provided include the annual audit and additional audit reporting requirements.
- We are estimating a reduction in Shelter Engineering services, an increase in Transit service, and the implementation of the Pilot Ride Program service.
- Insurance expenses increased as a result of the addition of new shelters, buses, and charging stations.
- Fuel increased due to the reinstatement of operational services, which were previously reduced due to decreased service and fuel costs as a result of COVID-19 during FY20.
- Paratransit increased based on the reinstatement of services.
- Interest was reduced to reflect the reduction of principal payments on the BB&T Melnick property loan.
- Non Capitalized assets include the purchase of security equipment including cameras, lighting, shelter panels, driver safety barriers, COVID-19 PPE, and radio equipment.
- Rolling Stock is increased to the amount of buses CARTA anticipates receiving next fiscal year.
- Bus Facilities/Charging stations are for the purchase and installation of charging stations for electric buses.
- Bus Shelter Construction/Bench Install is for the installation of new bus shelters.
- Land is for the purchase of the property at Leeds Avenue from Dominion Energy for additional parking and charging station needs.
- HOP Lot Construction/Leeds Avenue is for the construction of the HOP Lot as well as facility upgrades at Leeds Avenue.
- Security Cameras and Equipment are funds available to purchase security equipment at our facilities and on buses.
- ITS System is for the purchase of the integrated technology solution system that will provide computer-aided dispatching and an automatic vehicle tracking system.

We will continue to monitor the budget to insure revenues and expenditure remain aligned and we will recommend revisions to the Board as necessary.

If you have any questions, please contact me at 843-529-2126 or robinm@bcdcog.com

CARTA
Proposed FY2021 Budget

	Budget <u>FY 2020</u>	Proposed Budget <u>FY 2021</u>	<u>Variance</u>
<u>Revenues</u>			
Farebox	1,326,542	1,873,328	546,786
Passes	341,948	516,573	174,625
HOP Lot Parking Fees	20,211	30,643	10,432
COC Shuttle	274,579	420,859	146,280
MUSC	551,778	741,699	189,921
City of Charleston - DASH	580,944	609,992	29,048
City of Charleston - HOP	250,000	-	(250,000)
Federal	6,798,922	12,295,361	5,496,439
State Mass Transit Funds	-	570,953	570,953
Sales Tax - Charleston County	10,878,851	5,667,195	(5,211,656)
Advertising	650,000	700,000	50,000
Interest	152	-	(152)
Insurance Proceeds	108,015	-	(108,015)
Sale of Asset	9,300	-	(9,300)
Miscellaneous	400	-	(400)
TOTAL REVENUES	<u>21,791,642</u>	<u>23,426,603</u>	<u>1,634,961</u>
<u>Expenditures</u>			
Staff Salaries & Benefits	62,853	8,286	(54,567)
Supplies	61,650	61,650	-
Printing	47,500	47,500	-
Marketing	10,000	10,000	-
Automotive	650	650	-
Postage	1,750	1,850	100
Dues/Memberships	513	513	-
Office Equipment Rental	53,955	263,955	210,000
Office Equipment Maintenance	221,265	221,265	-
Rent	27,350	33,200	5,850
Communications	173,351	179,624	6,273
Utilities	43,420	46,523	3,103
Advertising	5,000	5,000	-
Professional Services			
Auditing	21,000	24,300	3,300
Legal	7,500	7,500	-
Custodial	47,102	72,404	25,302
Other	96,820	96,820	-
Contract Services			
Shared Services - IGA	2,302,387	2,302,387	-
Shelter/Bench Contract Services	226,481	100,000	(126,481)

CARTA
Proposed FY2021 Budget

	Budget <u>FY 2020</u>	Proposed Budget <u>FY 2021</u>	<u>Variance</u>
Fixed Route	13,169,604	14,019,132	849,528
Money Transport	7,500	7,500	-
Pilot Ride Program	-	80,000	80,000
Vehicle Maintenance	250,000	250,000	-
Facility Repair & Maintenance	21,375	21,375	-
Operating Fees & Licenses	34,768	34,768	-
Insurance	760,500	780,865	20,365
Fuel	1,205,156	1,524,623	319,467
Paratransit	2,506,749	2,907,056	400,307
Miscellaneous	7,741	7,741	-
Interest	64,080	60,116	(3,964)
Non-Capitalized Assets	353,622	250,000	(103,622)
TOTAL EXPENDITURES	<u>21,791,642</u>	<u>23,426,603</u>	<u>1,634,961</u>
 Excess (Deficit) of Revenues Over (Under) Expenditures	 <u>-</u>	 <u>-</u>	 <u>-</u>

Capital Revenues

Rolling Stock	1,615,219	10,279,699	8,664,480
Bus Facilities/Charging Stations	491,123	405,500	(85,623)
Bus Shelter Construction/Bench Install	-	-	-
Security Cameras/Equipment	69,990	247,937	177,947
Capital (IT, Facility Repairs/Maint)	56,012	56,012	-
ITS System	-	1,300,000	1,300,000
HOP Lot Construction	-	2,800,000	
Sales Tax - Charleston County	1,560,399	5,180,555	3,620,156
TOTAL CAPITAL EXPENDITURES	<u>3,792,743</u>	<u>20,269,703</u>	<u>13,676,960</u>

Capital Expenditures

Rolling Stock	2,123,014	12,895,746	10,772,732
Bus Facilities/Charging Stations	1,111,723	1,769,019	657,296
Bus Shelter Construction/Bench Install	400,504	200,000	(200,504)
Land	-	600,000	600,000
HOP Lot Construction/Leeds Ave.	-	2,800,000	
Security Cameras/Equipment	87,487	309,923	222,436
Capital (IT, Facility Repairs/Maint)	70,015	70,015	-
ITS System	-	1,625,000	1,625,000
TOTAL CAPITAL EXPENDITURES	<u>3,792,743</u>	<u>20,269,703</u>	<u>13,676,960</u>

CARTA
PROPOSED DETAILED BUDGETED EXPENDITURES
FY 2021/2022

		<u>Budget FY 2020</u>	<u>Proposed Budget FY 2021</u>	<u>Increase (Decrease)</u>
SALARIES & BENEFITS	Salaries	41,553	-	(41,553)
	Retirement	6,466	-	(6,466)
	FICA	3,059	-	(3,059)
	SUTA	-	-	-
	Workers Comp	121	-	(121)
	Insurance	3,530	-	(3,530)
	Retiree Insurance	8,124	8,286	162
		<u>62,853</u>	<u>8,286</u>	<u>(54,567)</u>
SUPPLIES	Admin/Operations	61,450	61,450	-
	Supplies - HOP LOT	200	200	-
	Total	<u>61,650</u>	<u>61,650</u>	<u>-</u>
PRINTING	Printing	45,000	45,000	-
	Printing - HOP LOT	2,500	2,500	-
		<u>47,500</u>	<u>47,500</u>	<u>-</u>
MARKETING	Promotional	10,000	10,000	-
	Total	<u>10,000</u>	<u>10,000</u>	<u>-</u>
AUTOMOTIVE	Parking/Mileage/Service	650	650	-
	Total	<u>650</u>	<u>650</u>	<u>-</u>
POSTAGE	John Street	1,750	1,850	100
		<u>1,750</u>	<u>1,850</u>	<u>100</u>
DUES & MEMBERSHIPS	Metro Chamber	513	513	-
	Total	<u>513</u>	<u>513</u>	<u>-</u>
EQUIPMENT RENTAL	Portable Toilet Rental - HOP LOT	780	780	-
	Electric Bus Battery Lease	52,500	262,500	210,000
	Miscellaneous Equipment	675	675	-
	Total	<u>53,955</u>	<u>263,955</u>	<u>210,000</u>
OFFICE EQUIPMENT MAINTENANCE	IT	50,000	50,000	-
	Money Counting Equipment	2,000	2,000	-
	Super Stop Cameras	2,450	2,450	-
	AVL Cloud Manager	25,810	25,810	-
	AVL	141,005	141,005	-
		<u>221,265</u>	<u>221,265</u>	<u>-</u>
RENT	Land	6,000	6,000	-
	Park & Ride	12,850	18,700	5,850
	Document Storage	2,500	2,500	-
	SC Works Charleston Center	6,000	6,000	-
		<u>27,350</u>	<u>33,200</u>	<u>5,850</u>

CARTA
PROPOSED DETAILED BUDGETED EXPENDITURES
FY 2021/2022

		<u>Budget FY 2020</u>	<u>Proposed Budget FY 2021</u>	<u>Increase (Decrease)</u>
COMMUNICATIONS	Telephone/Internet	13,740	14,015	275
	Tablets - Buses	80,609	80,609	-
	Radios	79,002	85,000	5,998
	Total	<u>173,351</u>	<u>179,624</u>	<u>6,273</u>
UTILITIES	Electricity	32,580	35,683	3,103
	Water	10,840	10,840	-
		<u>43,420</u>	<u>46,523</u>	<u>3,103</u>
ADVERTISING	ALL	5,000	5,000	-
		<u>5,000</u>	<u>5,000</u>	<u>-</u>
PROFESSIONAL SERVICES	Audit	21,000	24,300	3,300
	Legal	7,500	7,500	-
	Custodial	47,102	72,404	25,302
	Other	96,820	96,820	-
		<u>172,422</u>	<u>201,024</u>	<u>28,602</u>
CONTRACT SERVICES	Management Services	75,000	75,000	-
	Shared Services (IGA)	2,227,387	2,227,387	-
	Shelter/Bench Engineering (IGA)	226,481	100,000	(126,481)
	Fixed Route - Transdev	12,411,868	13,029,120	617,252
	Hop Lot - Transdev	757,736	990,012	232,276
	Money Transport	7,500	7,500	-
	Pilot Ride Program	-	80,000	80,000
		<u>15,705,972</u>	<u>16,509,019</u>	<u>803,047</u>
VEHICLE MAINTENANCE		250,000	250,000	-
		<u>250,000</u>	<u>250,000</u>	<u>-</u>
FACILITY REPAIR & MAINTENANCE	Facility Repair Misc	20,000	16,425	(3,575)
	Bus Wash Inspection	1,375	4,950	3,575
		<u>21,375</u>	<u>21,375</u>	<u>-</u>
OPERATING FEES & LICENSES		34,768	34,768	-
		<u>34,768</u>	<u>34,768</u>	<u>-</u>
INSURANCE	Administration	15,500	15,500	-
	Operating	745,000	765,365	20,365
		<u>760,500</u>	<u>780,865</u>	<u>20,365</u>
FUEL	Fuel	1,165,156	1,463,541	298,385
	Fuel - HOP LOT	40,000	61,082	21,082
		<u>1,205,156</u>	<u>1,524,623</u>	<u>319,467</u>

CARTA
PROPOSED DETAILED BUDGETED EXPENDITURES
FY 2021/2022

		Budget FY 2020	<i>Proposed</i> Budget FY 2021	Increase (Decrease)
PARATRANSIT	TRANSDEV	2,506,749	2,907,056	400,307
		<u>2,506,749</u>	<u>2,907,056</u>	<u>400,307</u>
MISCELLANEOUS	MISC	7,500	7,500	-
	MISC - HOP LOT	241	241	-
		<u>7,741</u>	<u>7,741</u>	<u>-</u>
INTEREST	BB&T - Melnick Property	64,080	60,116	(3,964)
		<u>64,080</u>	<u>60,116</u>	<u>(3,964)</u>
NON-CAPITALIZED ASSETS	Non-Capitalized Assets	353,622	250,000	(103,622)
		<u>353,622</u>	<u>250,000</u>	<u>(103,622)</u>
CAPITAL				
	Rolling Stock/Fleet Repair	2,123,014	12,895,746	10,772,732
	Bus Facilities/Charging Stations	1,111,723	1,769,019	657,296
	Shelter Project - Wildwood	400,504	200,000	(200,504)
	Land	-	600,000	600,000
	HOP Lot Constuction/Leeds Ave.	-	2,800,000	2,800,000
	Security/Cameras	87,487	309,923	222,436
	Signage	70,015	70,015	-
	ITS System	-	1,625,000	1,625,000
		<u>3,792,743</u>	<u>20,269,703</u>	<u>16,476,960</u>



Tab | 7

TOWN COUNCIL

Agenda Item



Request for Town Council Action

TO: Mayor and Council Members

FROM: Brian Gottshalk, Public Works Manager

SUBJECT: Request to Extend Philip and Jordan Contract

DATE: August 4, 2020

BACKGROUND:

Being a coastal community, The Town of Kiawah Island recognizes the threat of hurricanes annually that can greatly impact the island. Because of this, it is important that The Town has appropriate procedures in place to ensure a speedy recovery after a hurricane or other natural disasters.

ANALYSIS:

The Town has held an “as needed” contract with Philip and Jordan to provide relief to the island after a disaster event. While this contract has not yet been activated, the need to have a group such as Philip and Jordan remains. Our current contract with P&J is primarily for post disaster debris removal, however, there are a number of ancillary resources that come with the contract to include temporary shelter, climate controlled bunks, marine vessels, and a temporary bridge. The contract went into effect in 2015 as a five (5) year contract with the option for two (2) one (1) year extensions.

ACTION REQUESTED:

Town staff requests that Town Council approve that the Town enter into the first extension to the contract with Philip and Jordan.

BUDGET & FINANCIAL DATA:

There is no immediate change to budget or financial data as this is an “as needed” contract and costs will incur should this contract be activated.

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

**AMENDMENT TO
AGREEMENT BETWEEN
THE TOWN OF KIAWAH ISLAND
AND
PHILLIPS AND JORDAN, INC.**

WHEREAS, the Town of Kiawah Island and Phillips and Jordan, Inc. entered into a contract on **September 1, 2015**, for the purpose of providing a standby agreement for debris removal in the event of a natural disaster.

WHEREAS, the Town and Phillips and Jordan, Inc wish to amend the said agreement in the following particulars:

1. **TERM:** This agreement term shall be extended for an additional one-year term commencing on September 1, 2020 and expiring on August 31, 2021.
2. **EFFECTIVE DATE:** This agreement shall be effective on September 1, 2020.

All other provisions of the agreement entered into on **September 1, 2015**, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this amendment this 4th day of August 2020.

WITNESSES

Town of Kiawah Island

By: Craig Weaver
Its: Mayor

Phillips and Jordan, Inc.

By:
Its:



Tab | 8

TOWN COUNCIL

Agenda Item

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2020-08

AN ORDINANCE TO AMEND ARTICLE 2, GENERAL GOVERNMENT AND ADMINISTRATION, CHAPTER 2, MUNICIPAL COUNCIL, SECTION 2-201, AND ARTICLE 3, ELECTIONS, CHAPTER 1, ELECTION OF MAYOR AND COUNCIL, SECTIONS 3-102 AND 3-103 TO ADOPT FOUR-YEAR TERMS OF OFFICE AND STAGGERED TERMS FOR COUNCIL

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 2, General Government and Administration, Chapter 2, Municipal Council, Section 2-201, and Article 3, Elections, Chapter 1, Election of Mayor and Council, Sections 3-102 and 3-103, currently setting the terms of office of the mayor and members of council for two years, and

WHEREAS, the Town Council believes that changing the two-year terms for mayor and members of council to four-year terms and staggering those terms is in the interests of the Town and will promote continuity in the Town Council; and

WHEREAS, the Town Council wishes to amend Sections 2-201, 3-102, and 3-103 to adopt staggered four-year terms of office for the mayor and members of council.

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 amend Article 2, General Government and Administration, Chapter 2, Municipal Council, and Article 3, Elections, Chapter 1, Election of Mayor and Council, by amending Sections 2-201, 3-102, and 3-103 to adopt a four-year term of office for the mayor and council members and to stagger terms for council members.

Section 2 **Ordinance Amendments**

Section 2-201 amended as follows:

The municipal council of the town shall be composed of a mayor and four councilmembers who shall be qualified electors and shall be elected at large for four-year terms of office. General elections for municipal council shall be held every two years to fill those offices available at the time. Elections for council members shall be staggered so that two council members shall be elected in each general election. A majority of the council shall constitute a quorum for the purpose of transacting council business.

Section 3-102 amended as follows:

The municipal council of the town shall be composed of a mayor and four councilmembers who shall be qualified electors and shall be elected at large for staggered four-year terms of office.

Section 3-103 amended as follows:

The mayor and members of council shall be elected to four-year terms of office.

Section 3 **Implementation**

In order to implement this Ordinance and staggered terms, the next election to be held on December 1, 2020 will elect a mayor for a term of four years, two council members for terms of four years, and two council members for terms of two years. The two council member candidates receiving the highest number of votes shall be elected to four-year terms, and the two council member candidates receiving the next lowest number of votes (3 and 4) shall be elected to two-year terms.

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 _____, 2020.

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

1st Reading: August 4, 2020

2nd Reading: