

TOWN COUNCIL MEETING
Municipal Center Council Chambers
December 1, 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*
Joe Wilson, *Town Attorney*
Bruce Spicher, *Community Services Director*
Stephanie Braswell Edgerton, *Communications Manager*
Petra Reynolds, *Town Clerk*

II. Approval of Minutes:

A. Minutes of the Town Council Workshop of November 3, 2020

Councilmember Said made a motion to approve the minutes of the November 3, 2020 Town Council Meeting. Mayor Pro Tem Widuch seconded the motion, and the minutes were unanimously approved

III. Mayor's Update:

Mayor Weaver deferred his update to the end of the meeting due to the length of the agenda.

IV. Citizens' Comments (Agenda Items Only):

Miller Harper – East West Partners

Mr. Harper indicated that East West Partners was the development company who purchased Lot 2 of Parcel 13. He commented on the agenda item New Business; A, relating to the adoption of the flood maps asking for clarification of the proposed ordinance's meaning. He expressed concern with the intent of the ordinance and possible implications on the development of their property. He asked for consideration of a deferment of the approval until there is a clear understanding of the intent since it will influence strategy as project design efforts near completion.

Mayor Weaver stated that when the agenda item is discussed, Mr. Spicher will give an overview of the ordinance, which may provide answers to questions on what the Town is doing, why, and the impact. He noted that the ARB and some of the new home building had been the primary driver of the ordinance changes. He also pointed out the ordinance's approval required two readings, which provides the ability to make changes before the final reading.

Luke Farrell – 101 Goldeneye

Mr. Farrell thanked the Mayor and Ms. Tillerson for providing a better understanding of the proposed ordinance. He indicated that he was pleased that the proposed ordinance did not place restrictions on remodeling.

Andy Capelli – 160 Governors Drive

Mr. Capelli spoke to the agenda item for the Adaptive Management Report submitted. He indicated in the dune system discussion; it suggests that the Town's Beach Management Plan can provide a vehicle for defining thresholds and collectively put in one place all issues related to beach and dune flooding. He pointed out that in the area of salt marshes, implementation of Marsh Management Plan, already encompassed in the Town's Comprehensive Plan, was discussed but not a focus of the task force in the report submitted as a vehicle to support the marsh management goals. He stated that a Marsh Management Plan should be put in place and thresholds to monitor and manage the plan. This plan would accompany the Town's Beach Management Plan and KICA's Flood Management Plan.

V. Presentation:

A. Sea Level Resiliency/Adaptive Management Report

Ms. Cathy Pumphrey, Adaptive Management Plan Taskforce member, began by stating the surveys' key takeaways and interviews in the Sea Level Resiliency/Adaptive Management Report. There is a high level of concern and interest within the Kiawah community about the impacts of sea-level rise, climate change, and flooding on the island and that the Town and KICA should develop a fully functioning **Adaptive Management Plan (AMP)** and ensure that this plan is institutionalized on behalf of the Kiawah community.

Ms. Pumphrey indicated that the Amp Taskforce was established based on the recommendations of the 2018 Sea Level Rise Report with a primary goal to initiate the development of an AMP to assist in addressing the impacts of sea-level rise, climate change, and flooding on the island. She highlighted the key components of an AMP: Threshold, Trigger Point, Monitoring Program, and Response Plan. Threshold identification, which was completed as part of Phase 1, required community engagement with focus groups, surveys, interviews to provide information to develop threshold areas and key concerns.

Mr. Lucas Hernandez, KICA Resilience Specialist, provided a detail of the community survey results with graphs and the key elements. He indicated eight threshold areas were identified but not the measurable numbers needed to use in the monitoring program and require more investigation or research for development.

Ms. Pumphrey stated the development of a fully functioning AMP was a joint venture and is dependent on all Kiawah entities participating and working together. She reviewed recommendations, which included completing Phase 1 to define thresholds by identifying frequency, duration, and other indicators, the completion of remaining key components, community education, an annual report and survey, and continued collection of information.

Mr. Hernandez highlighted how the information obtained in Phase 1 would be used.

- Identifying what concerns need more attention
- Communicating areas we already monitor heavily
- Understanding links between measurable parameters and physical conditions (e.g. what factors influence marsh health)
- Prioritizing research/monitoring on under-covered areas
- Developing an **Adaptive Management Plan** with community concerns at its core

Mayor Weaver commented that the Sea Level Rise report contained many detailed recommendations and made the case that sea-level rise was a legitimate, important issue but wasn't a crisis. The right approach was to understand the causes of necessitating urgency and, at the same time, take a more measured and thoughtful approach in those cases where urgency was not required. The results of this report show that property owners agree on the importance of the issue while not expecting immediate solutions.

When questioned about what would be expected from the next Town Council, Mr. Hernandez stated the information required to complete Phase 1 from the Town, Community Association, and the

Conservancy studies, sharing the results with the community for feedback then moving to the monitoring program phase.

VI. Old Business:

A. To Consider Approval of Ordinance 2020-12 - An Ordinance to Amend the Fiscal Year 2020-2021 Budget for The Town of Kiawah Island, South Carolina (7/1/20 Through 6/30/21) - Second and Final Reading

Mayor Weaver indicated the ordinance was initially reviewed and discussed by the Ways and Means Committee and approved on first reading at the November Town Council meeting.

Councilmember Said made a motion to approve the second and final reading of Ordinance 2020-12 - An Ordinance to Amend the Fiscal Year 2020-2021 Budget for The Town of Kiawah Island, South Carolina (7/1/20 Through 6/30/21). Councilmember Connolly seconded the motion.

Ms. Szubert reviewed the items in the budget amendment and items added since the first reading;

1. Add salaries for the Mayor, Council members, and the Judge for the six months 1/1/2021 to 6/30/2021. An increase of \$14K. (contingent approval of ordinance)
2. Adjust increase in the Town's contributions from 50% to 100% to optional deferred compensation plans to reflect a six-month period from 01/01/2021 to 6/30/2021—a decrease of \$10K.
3. Website redesign – placeholder of \$100k.
4. Air Purification System for Town Hall- \$16k.
5. Environmental Projects - a total of \$16,400
6. Portable Radios for Beach Patrol and Town Staff - \$66k.
7. Add repayment of the outstanding balance on GO Bond issued for the Town Hall construction. An increase of \$1,668,000. (contingent on approval of resolution)

Ms. Szubert explained that in the current budget is one payment to the General Obligation Bond of \$333,000.00 plus \$50,000.00 in interest. The additional 1,668,000.00 requested is the outstanding debt that would be coming out of the Capital Fund. The Town issued the \$3M General Obligation Bond in 2016 for the construction of the new Town Hall. She indicated that with the interest rate so low, there was an opportunity to save money by paying off the bond without a prepayment penalty.

Following the discussion, the motion for the approval of the second final reading of Ordinance 2020-12 was unanimously passed.

B. To Consider Approval of Ordinance 2020-13 - An Ordinance to Set the Salaries for the Mayor and Council Members of The Town of Kiawah Island - Second and Final Reading

Mayor Weaver indicated the ordinance was initially reviewed and discussed by the Ways and Means Committee and approved on first reading at the November Town Council meeting.

Mayor Pro Tem Widuch made a motion to approve the second and final reading of Ordinance 2020-13 - An Ordinance to Set the Salaries for the Mayor and Council Members of The Town of Kiawah Island. Councilmember Said seconded the motion.

Ms. Tillerson stated that additional language regarding health benefits for Councilmembers was added to ensure that the salaries or stipend did not create any unintended consequences by making those benefits available. Working with the Town Attorney, additional language was added to Section one of the ordinance that clarifies and defines the monthly salaries as a stipend. Councilmembers are not entitled to any employee benefits offered by the Town.

Councilmember Connolly made a motion to amend ordinance 2020-13 to add the clause; These salaries shall be paid as monthly stipends, and the Mayor and Council Members are not considered employees of the Town and are not entitled to any employee benefits, including health insurance, offered by the Town to its employees. The motion was seconded by Councilmember Said and was unanimously passed

Councilmember Prickett made a motion to approve the second final reading of Ordinance 2020-13 as amended. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed

C. A Discussion of the Draft Language for a Tourism Committee

The Town has been exploring the potential of establishing some mechanism that would allow the Town, in partnership with its tourism committee, to use some of the State Accommodations Funds received by the Town and otherwise forwarded to the Charleston Visitors Bureau (CVB) and use those funds locally where it could be focused on Kiawah specific promotional work. Ms. Braswell Edgerton has been working with the Town Attorney on the legal mechanisms and what the approach would look like for members to provide feedback.

Ms. Braswell Edgerton provided an outline summary of establishing an internal tourism committee,.

Membership

Ideally, the Tourism Committee membership would be comprised of at least five members for voting purposes, representative of the Kiawah Island entities, and approved by Town Council.

The Tourism Committee will be comprised of the following voting members:

1. One (1) member from the Town of Kiawah Island, designated as the Chairman
2. One (1) member from the Kiawah Island Community Association – preferably the Communications Manager
3. One (1) member from Kiawah Island Golf Resort – preferably the Marketing Director
4. One (1) member from Kiawah Island Real Estate – preferably the Marketing Director
5. One (1) member from Freshfields Village – preferably the Marketing Director

Optional Membership Appointments: Up to two (2) additional non-voting advisory members:

6. One (1) additional lodging member
7. One (1) additional merchant member

Scope of Work

The Tourism Committee is tasked with:

- a. Developing an effective tourism promotion program to develop and increase tourist presence through the generation of publicity
- b. Evaluating market data and prepare strategic planning
- c. Working with agencies for the creation of marketing assets and campaigns
- d. Sourcing advertising and marketing outlets
- e. Assisting with the development and distribution of promotional materials
- f. Developing relations with industry partners
- g. Evaluating program effectiveness
- h. Presentation of annual expenditures to Town Council at the beginning and end of the fiscal year.

Councilmembers discussed the outline asking questions on representation and if the outlined committee would be a separate 501(c)(3) or under the Town, which can function as a non-profit in this instance. Mayor Weaver indicated there is a very strong interest in exploring whether this is something that will benefit the community. Also discussed was if there was a strategy to communicate with CVB in advance of establishing an alternative option, estimated implementation being a year away if approved by Council.

Councilmember Connelly expressed thought that the outline was a good foundation to start from, and the new Mayor and Council will have to further the discussion.

VII. New Business:

- A. To Consider Approval of Ordinance 2020-14 - An Ordinance to Amend Article 14, General Regulations, Chapter 1, Flood Damage Prevention, Division 1 - General Standards, Division 2 – Administration and Enforcement, and Division 3 - Provisions for Flood Hazard Reduction - First Reading**

Mr. Spicher provided an overview of the proposed ordinance. During the extensive review of the current flood ordinance to identify any modifications that need to be made based on the new flood map, several typographical errors were discovered in addition to the language changes.

- Various sections of the ordinance still reference the original two-digit format instead of the current three-digit format.
- Article 14 Section 178 would be amended with the addition of limit of moderate wave action language, which applies to V zone requirements for construction purposes and the new delineation line in the flood maps.
- Addition of a new definition. New flood maps are utilizing a new datum - the National American vertical datum of 1988

Mr. Spicher indicated the last language addition was due to the adverse effect on current construction practices by adopting the new flood maps regarding roof heights and the ability to park under a home. He gave a detailed explanation of the issue and the request for resolution. Discussions with the ARB (Architectural Review Board) produced possible solution options. The site-specific evaluation option would incur a lengthy permitting process and submit for a variance to the BZA (Board of Zoning Appeals). The purposed option was to possibly have all-new ground-up construction be governed under the current flood maps. Approval for the change and language was given by the State FEMA (Federal Emergency Management Agency) office and State NFIP (National Flood Insurance Program) coordinator.

Mayor Pro Tem Widuch made a motion to approve the first reading of Ordinance 2020-14 - An Ordinance to Amend Article 14, General Regulations, Chapter 1, Flood Damage Prevention, Division 1 - General Standards, Division 2 – Administration and Enforcement, and Division 3 - Provisions for Flood Hazard Reduction. Councilmember Said seconded the motion.

Councilmembers engaged in an in-depth clarification discussion, after which Mayor Weaver pointed out that the ordinance would require a second reading allowing for any questions to be answered and to make sure there are no unintended consequences that have not been considered.

Following further discussion, the motion to approve the first reading of Ordinance 2020-14 was unanimously passed.

B. To Consider Approval of Resolution 2020-06 - A Resolution Authorizing the Mayor of the Town of Kiawah Island to Execute an Easement Agreement by Which Haulover Creek Development Company, LLC, is Deeding a Landscape, Recreation and Utility Easement to the Town of Kiawah Island

Ms. Tillerson stated the resolution was reviewed and recommended for approval by the Ways and Means Committee. She indicated that the improvement made by adding a new right-turn lane on the Parkway into the Andell tract required the shifting of the bike path to the edge of the Town's current right-of-way. She worked with Haulover Creek, the Kiawah Island Golf Resort's parent company, on a request to give the Town, at no cost, a twenty-foot easement behind the bike path to allow future adjustment of the bike path or additional landscaping as designated in the documents.

Councilmember Said made a motion to approve the Resolution 2020-06 - A Resolution Authorizing the Mayor of the Town of Kiawah Island to Execute an Easement Agreement by Which Haulover Creek Development Company, LLC, is Deeding a Landscape, Recreation and Utility Easement to the Town of Kiawah Island. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

C. To Consider Approval of Resolution 2020-07 - A Resolution Authorizing the Redemption of the General Obligation Bond Issued by the Town of Kiawah Island on October 12, 2016

Mayor Pro Tem Widuch made a motion to approve the Resolution 2020-07 - A Resolution Authorizing the Redemption of the General Obligation Bond Issued by the Town of Kiawah Island on October 12, 2016. Councilmember Said seconded the motion.

Mayor Weaver stated that the Town intentionally did not pay off the bond because it was earning more or the same money in the State General Investment Fund, allowing those funds to be available in the event of a major storm event. After the evaluation of the projected interest rates, the redemption of the bond made good financial sense. Mr. Prickett added that state restrictions severely limit the Town investment options, and paying off the bond will pick-up a minimum of 100 basis points and save money otherwise paid in interest.

Following discussion, the motion to approve the Resolution 2020-07 and was unanimously passed.

D. To Consider Approval of Resolution 2020-08 - A Resolution to Allow Emergency Repair Noise

Mayor Weaver stated the resolution would provide a short-term fix to the current noise ordinance and should be considered by the new Council regarding a permanent ordinance change. The revision to the current noise ordinance earlier in the year relating to noise between 11:00 pm and 7:00 am. established a specific decibel level. This does not allow any latitude to wave or not enforce the ordinance decibel level on occasions when unexpected emergency circumstances arise that in the public interest need to be addressed. The resolution will allow the Town Administrator and/or the Mayor to address any noise complaints arising from emergency construction or repair measures necessary to safeguard or restore public or private utilities within the Town.

Mayor Pro Tem Widuch made a motion to approve the Resolution 2020-08 - A Resolution to allow Emergency Repair Noise. The motion was seconded by Councilmember Said and was unanimously passed.

E. To Consider Approval of the Funding Requests from the Kiawah Island Conservancy for Phase II of the Groundwater Table and Marsh Vulnerability Studies

Mr. Lee Bundrick, Kiawah Conservancy, gave an update on the first phase of the Conservancy's Groundwater Table and Marsh Vulnerability Studies proposed last year and reviewed the request from the Conservancy in detail to fund the second phase of both of the research projects. The funding amount of \$32,000.00 is requested for the Groundwater Table, and the funding amount of \$17,000.00 is requested for the Marsh Vulnerability Study.

Mayor Weaver asked for a clarification on the projected outcome or recommendations and the number of phases and potential costs for each of the projects. Mr. Bundrick clarified that both projects were first proposed in two phases and planned to end with completing the second phase. The information is provided to the public and allows planning, designing, and implementing future projects.

Councilmember Said made a motion to approve the Funding Requests from the Kiawah Island Conservancy for Phase II of the Groundwater Table Study in an amount up to \$32,000.00 and Marsh Vulnerability Study in an amount up to \$17,000.00. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

F. To Consider Approval of the Town Attorney Contract for Joseph Wilson

Mayor Weaver stated the Ways and Means Committee discussed the contract, and an Executive Session was convened to inform and discuss the agreement. The Ways and Means Committee recommended the approval of an additional one-year contract for Mr. Wilson similar to the current contract in scope of work and basic requirements with a new compensation level of \$90,000.00 or \$7,500 to be paid in monthly payments.

Ms. Tillerson indicated a small change in the contract indicates Mr. Wilson would consult with staff in terms of any preparation, but any criminal matter for the court would be handled by another attorney.

Councilmember Prickett made a motion to approve the Town Attorney Contract for Joseph Wilson. The motion was seconded by Councilmember Connelly and was unanimously passed.

G. To Consider Approval of the 2021 Meeting Dates

Mayor Weaver stated the meeting dates' approval for the upcoming year is to communicate when committees will occur but come with the disclaimer that many of the dates are related to committees that other people manage. The committee chairman can alter the dates if necessary.

Councilmember Connelly made a motion to approve the 2021 Meeting Dates. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

VIII. Town Administrator's Report:

Ms. Tillerson reported that the Municipal Judge search received seventeen letters of interest reviewed by the selection group that included Mr. Wilson, Judge Strauch, and herself. The candidates were narrowed to five, one of which withdrew, leaving two local candidates and two in the tri-county area. She indicated that when the new Mayor and Council are in place, she will consult with the Mayor on how to proceed with the selection process. She also noted that Judge Strauch's term does not expire until March 1st allowing the new judge to work with him for two months.

Ms. Tillerson reported on the Parkway Landscaping project. She stated that Artigues Landscaping was awarded the contract and by their timeline was to have completed the work by the end of this year. Due to unforeseen complications or circumstances with the irrigation being worse than anticipated, additional time will be spent on the repairs or replacement required. When the contract was signed, Artigues placed an order for the plantings with the grower, and they are ready for installation. The installation will begin at the Mingo Point end of the Parkway, working towards the roundabout with trees being planted first, followed by the plantings. No problems are anticipated with the time of year that the plants will be installed, and completion is expected by the end of January 2021. The goal is not only to have a beautiful Parkway for residents and visitors but also not to have work still going on during the heavy traffic of the PGA.

Mr. Wilson reported that he had personally received an annual employee disclosure statement from every employee and one council Member with no disclosed conflict of interest or concern reported.

IX. Council Member:

- a. Committee Updates
- b. General Comments

Councilmember Connelly reported that at the Public Safety Committee meeting Chief Abrams reported that in recognition of Kiawah response times due to dispatch and staffing issues in his department, they are opening Medic 10 along with budget approval to acquire three additional ambulances. She indicated that for Medic 10, the department would be offering overtime shifts as an incentive. Councilmember Connelly thanked Mayor Weaver and Mayor Pro Tem Widuch for their contributions and work with the community.

Councilmember Prickett reported that the BZA and the Planning Commission have remained active. The Arts Council remains on the 90-day delay on events. Until the virus situation is under control, there can not be any public events. He also added his compliments to Mayor Weaver and Mayor Pro Tem Widuch, stating that the great job was appreciated.

Mayor Pro Tem Widuch wished good luck to all the candidates on today's ballot, along with thanking the staff and Mayor Weaver for his strategic vision and more than a decade of service to the Town.

Councilmember Said also thanked Mayor Weaver and Mayor Pro Tem Widuch for great leadership, stating that the Town and its citizens should feel very fortunate and honored to have served with them.

Mayor Weaver gave an update on;

- Roads – the opportunity to influence the County and take a strong role in bringing about a good solution for the road issues by making Kiawah citizens aware of the County's request for citizen input. For many years, work has been taking place on trying to get some reasonable solutions to have safer and more functional roads getting on and off Johns Island. He indicated that because of the half-cent sales tax, for the first time, there is a process and mechanism that allows Kiawah, Seabrook, and Johns Island to try to influence the project. He strongly encouraged the next Council to strategize and get on top of the issue of importance to Kiawah commercial entities, Freshfields, the Resort, to the developers and its citizens. He noted that Mr. Taylor would be taking the lead and tracking what is going on to provide input along with former Mayor Charlie Lipuma and Mr. Paul Roberts.
- Second Generation Coagulants (SGA) in bobcats - Mayor Weaver indicated that most people probably have no idea how much work Jim Jordan, the Town's biologist, and Ms. Braswell Edgerton have been doing for the past four months on the SGA issue. Work has been going on with whether the Town should take legislative action to get a moratorium to stop the use of SGAs. The Town has been holding off to give the pest control industry and the State Regulatory Department the latitude to determine how to approach the issue. Still, the time is coming where the next Council will have to evaluate the success of steps taken and decide if working with the industry entities will be fruitful or go back to pursuing the legislative option.
- COVID – Mayor Weaver, reminded that the new Council would have a Special Call meeting on December 4th to consider approving the continuation of the exiting emergency ordinance in place or is open to taking further steps if necessary.
- Stay on top of the landscape contractor to complete the project and stay on top of Sea Level Rise and how it moves forward.

Mayor Weaver also thanked the staff and gave them a round of applause.

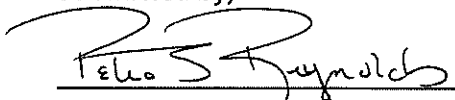
X. Citizens' Comments:

None

XI. Adjournment:

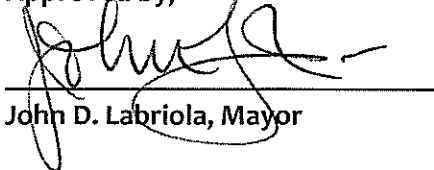
Mayor Pro Tem Widuch motioned to adjourn the meeting at 4:18 pm. The motion was seconded by Councilmember Connelly and carried unanimously.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor

1-8-2020

Date