



TOWN OF *Kiawah Island*®

Mayor

Craig E. Weaver

Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

Town Administrator

Stephanie Monroe Tillerson

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

January 7, 2020; 2:00 PM

AGENDA

- I. **Call to Order:**
- II. **Pledge of Allegiance**
- III. **Approval of Minutes:**
 - A. Minutes of the Town Council Meeting of November 5, 2019 [Tab 1]
 - B. Minutes of the Town Council Meeting of December 3, 2019 [Tab 2]
- IV. **Mayor's Update:**
- V. **Citizens' Comments (Agenda Items Only):**
- VI. **Presentation:**
 - A. Outdoor Spatial Design - Parkway Conceptual Landscaping Plan [Tab 3]
- VII. **Old Business:**

None
- VIII. **New Business:**
 - A. Approve the Parkway Conceptual Landscape Plan
 - B. To consider approval of the Settlement Agreement with former auditors, Webster Rogers
 - C. 2020 Committee Appointments [Tab 4]
 - Arts Council
 - Audit Committee
 - Board of Zoning Appeals
 - Construction Board of Appeals
 - Environmental Committee
 - Planning Commission
 - Public Safety Committee
 - Public Works Committee
- IX. **Town Administrator's Report:**
- X. **Council Member:**
 - a. Committee Updates
 - b. General Comments
- XI. **Citizens' Comments:**
- XII. **Executive Session:**
- XIII. **Adjournment:**



Tab | **1**

TOWN COUNCIL

Agenda Item

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

November 5, 2019; 2:00 PM

Minutes

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

II. Pledge of Allegiance

Present at the meeting:

Craig Weaver, Mayor
Chris Widuch, Mayor Pro Tem
Maryanne Connelly, Councilmember
Dan Prickett, Councilmember
Klaus Said, Councilmember

Also Present:

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

Notice of the meeting was posted with the Media 24 hours in advance, according to the Freedom of Information Act. All Town Council meetings are recorded for a complete transcript

III. Approval of Minutes:

A. Minutes of the Town Council Meeting of October 1, 2019

Mayor Pro Tem Widuch made a motion to approve the minutes of October 1, 2019, Town Council Meetings. The motion was seconded by Councilmember Prickett, and the minutes were unanimously approved.

B. Minutes of the Town Council Special Call Meeting of October 22, 2019

Mayor Pro Tem Widuch made a motion to approve the minutes of October 22, 2019, Town Council Meetings. The motion was seconded by Councilmember Prickett, and the minutes were unanimously approved.

IV. Mayor's Update:

Mayor Weaver began by explaining the Citizens' Comments process. He asked that speakers limit their comment time so that everyone has the opportunity to speak, to be succinct, mindful of duplicate comments, and to be courteous and respectful to other speakers. He also reminded speakers that Public Comments is not a debate nor a two-way conversation but instead an opportunity for Council to receive input on community concerns in order to make better decisions.

V. Citizens' Comments (Agenda Items Only):

Members of Town Council received numerous emails of public comment addressing concerns on the proposed amendment of the Short-Term Rental Ordinance and Regulations. A copy of the comments can be found at the Town Clerk's Office or on the Town's website www.kiawahisland.org.

During the public comment period of the meeting, the Council also heard similar comments both for and against the amendment. Persons who spoke included:

Elizabeth St. John – 14 Bufflehead
Allen Allred – 581 Whimbrel Road
Kay Burroughs Ballenger – 3 Eugenia
Jim Jarosik – 425 Sea Lavender Court
Mariellen Perugini – 24 Rhett's Bluff Road
Patrick Wilkie – 148 Broomsedge
Wendy Kulick – 38 Marsh Edge Lane
Sara Whitford – Denver, CO on behalf of Exclusive Resorts
Toula DiGiovanni - 51 Cotton Hall
Eniko Nicolais – 718 Glossy Ibis
Illene Olanoff – 7 Greensward Road
Wade St. John – 14 Bufflehead

VI. Presentation:

A. Fiscal Year 2018/209 Audit Presentation – Mauldin Jenkins

Mr. David Irwin, a managing partner with the audit firm of Mauldin Jenkins, gave an overview of the Town's financial audit of the fiscal year ending June 30, 2019. He presented the auditors' discussion and analysis, an internal document prepared for the benefit of Council, which gives general information on the firm, a summary of the discussion points, and a synopsis of accounting standards that will be implemented in the future. Mr. Irwin reviewed the following discussion points:

- **Auditor's Responsibility**

The responsibility of Mauldin Jenkins, as external auditors, is to express opinions on these financial statements based on our audit. Mauldin Jenkins planned and performed their audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

- **Opinions**

Mauldin Jenkins has issued a clean or unmodified opinion on this year's audit report. The respective financial statements are considered to present fairly the financial position and results of operations as of and for the year ended June 30, 2019.

- **Internal Controls**

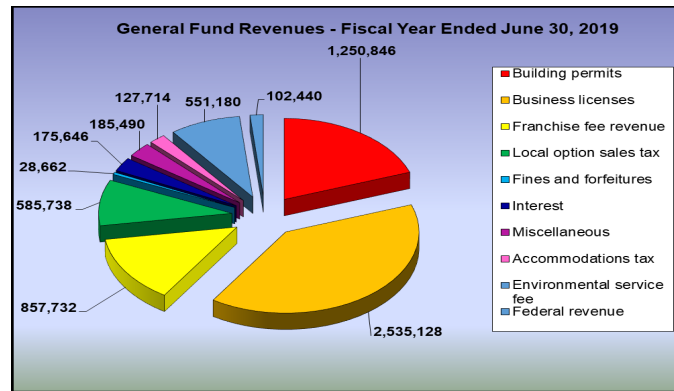
Mauldin Jenkins has no audit findings to report or found no deficiency in the internal control over financial reporting. The issued report is included in the independent auditor's report.

- **Financial Statements - CAFR**

A Comprehensive Annual Financial Report (CAFR) goes beyond the standard financial reporting required by accounting principles generally accepted in the United States. The Town's CAFR was submitted to the Government Finance Officers Association (GFOA) and was reviewed and deemed to merit the award of the GFOA's Certificate of Achievement for Excellence in Financial Reporting.

- **Financial Statements**

The Auditors Discussion & Analysis (AD&A), is included as a condensed overview of the Town's financial statements. The presented financial statements included three components; 1) government-wide financial statements; 2) fund financial statements; and 3) notes to the financial statements, along with the Management's Discussion and Analysis as prepared by Town management.



During the discussion of the financial statement, General Fund Revenues, and Expenditures, Mayor Weaver pointed out that Kiawah Island does not impose a property tax and that the Town's finances are all economy driven. He also thanked Ms. Szubert, Town Treasurer, and her staff for their efforts in the completion of the audit.

VII. Consent:

Mayor Weaver stated that the four consent items were reviewed and recommended to Town Council for approval by the Ways and Means Committee.

A. To Consider Approval of the McCormick Taylor Kiawah Island Parkway Conceptual Plan

Mayor Weaver stated the Kiawah Island Parkway improvement project, over the next year, will include a total repaving of the Parkway from the roundabout to the main gate. The project is to be primarily resurfacing. The discussion included consideration of elevation of the roadway, the addition of curbing to protect landscaping, and, in conjunction with the Resort, the addition of permanent turn lanes to the property near Freshfields.

The approval of McCormick Taylor conception plan will allow the engineering firm to issue an RFP (Request for Proposals), not including the elevation of the roadway or the addition of curbing, both not being cost-effective.

B. To Consider Approval of the Contract with Outdoor Spatial Design for the Kiawah Island Parkway Landscape Design

The Town released an RFP for Landscape Design along the Parkway in conjunction with the Parkway repaving project. Outdoor Spatial Design was recommended as the Landscape Architect to provide design services.

C. To Consider Approval of the Professional Services Agreement and Contract with Three + One

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

The Town released an RFP for a Town Attorney. A selection committee reviewed the submittals and recommended the approval of Mr. Joseph Wilson effective January 1, 2020.

Councilmember Prickett made a motion to approve consent items A, B, C, and D. The motion was seconded by Councilmember Said and was unanimously passed.

VIII. Old Business:

A. To Consider Approval of Ordinance 2019-08 - An Ordinance Repealing Article 15, General Offenses, Chapter 8, Short-Term Rental Permit and Regulations of the Kiawah Island Municipal Code; by Amending Article 14, General Regulations and Adding Chapter 5, Short-Term Rental Application and Regulations – Second and Final Reading

Mayor Weaver highlighted and reviewed the changes made to the ordinance since the first reading;

- Intra-family transfers of property can include the transfer of an STR license or a Provisional Lot License (PLL).
- Destination Clubs and Private Vacation Clubs are not permitted in the Town's Zones R1, R2, and R3 unless the Destination Club complies with the requirements listed in Sec. 15-805 C.
- If an STR owner receives three violations (defined found guilty by admissions or by the Municipal Judge), then their license is subject to revocation for a twelve-month period.
- The application fee for properties subject to caps reduced to \$500.00. The fee for properties not subject to caps remains at \$200.00.

Mayor Pro Tem Widuch made a motion to approve the second and final reading of Ordinance 2019-08 - An Ordinance Repealing Article 15, General Offenses, Chapter 8, Short-Term Rental Permit and Regulations of the Kiawah Island Municipal Code; by Amending Article 14, General Regulations and Adding Chapter 5, Short-Term Rental Application and Regulations. Councilmember Connelly seconded the motion.

Councilmember Connelly stated that she fully supported the Town's mission to protect and preserve the residential character of the community and the island's unique natural environment while balancing the economic vitality of business development on the island.

Councilmember Prickett stated while this is a problematic issue, members of the Council as elected representatives have to keep in mind if they are doing their best to represent the long-term interests of all the residents and property owners of the island, including large stakeholders. In doing so, there has to be a balance of conflicting short-term interests, and in his opinion, an outstanding job has been done to work out a balance that begins the process of the work that will continue to have the island be successful and prosper.

Mayor Weaver made additional comments on the challenges of dealing with this difficult issue and that establishing regulations that balance and satisfy the interests of everyone can be problematic. Over time, as the interests, ownership, and character of Kiawah Island change, these regulations will evolve as well, and it will be up to the community and future Town Councils to making the necessary changes as required.

Councilmember Said indicated concern after hearing comments on the misconception that the members of the Council do not represent the residents of the island and that decisions made were to be used as future stepping stones. Any decision made is grounded by hard work and thoughtful discussion with consideration given to all residents and property owners.

Following the discussion the second reading of Ordinance 2019-08 was unanimously passed. Council voted as follows:

Councilmember Maryanne Connelly	yes
Councilmember Dan Prickett	yes
Councilmember Klaus Said	yes
Mayor Craig Weaver	yes
Mayor Pro Tem Chris Widuch	yes

B. To Consider Approval of Ordinance 2019-07 - An Ordinance to Amend Chapter 12, Land Use Planning and Zoning of The Town of Kiawah Island, By Amending Article II, Division 3, Section

Mayor Pro Tem Widuch made a motion to approve the second and final reading of Ordinance 2019-07 - An Ordinance to Amend Chapter 12, Land Use Planning and Zoning of The Town of Kiawah Island, By Amending Article II, Division 3, Section 12-102. – Principal Uses and Use Regulations; Article Iv, Section 12-374. – Definitions; and Adding Article I, Division 3, Section 12-107. – Short-Term Rentals. The motion was seconded by Councilmember Said and was unanimously passed.

IX. New Business:

- A. To Consider Authorizing the Mayor Pro-Tem and Town Administrator to initiate a study of the property value and public policy implications of Kiawah’s brand positioning, to include study scope, initial screening of consulting firms, costs, and approaches for inclusion of key stakeholder groups**

Mayor Weaver stated during discussions of the STR Ordinance different views were expressed that could be attributed to an unclear understanding of what is happening in the Kiawah real estate market. Before consideration of the ordinance changes, conversations took place that exposed concerns on the state of property values if Kiawah was a resort, a residential community, or both, preservation or decision on the Kiawah brand, and where Kiawah real estate was heading.

Mayor Weaver, in an effort to better understand Kiawah property values, proposed to engage an independent firm to provide an analysis of Kiawah property values, market, and brand. Provide data to understand better the market, property owner trends, and actions the community entities can take. He stated the Town would fully fund the study with approval of the involvement of a cross-section of the community, including the Community Association, the major developers, real estate firms and a mix of full-time and part-time property owners to provide a proper scope and ensure the credibility of the study.

The proposal for Council consideration is to move forward with approval for Mayor Pro Tem Widuch and Ms. Tillerson to bring back to Council a specific recommendation on study scope, initial screening of consulting firms, proposed cost, and an approach on the inclusion of key group representation. The intent would be that the study is completed by the middle of the year.

Councilmember Connelly made a motion to authorize the Mayor Pro-Tem and Town Administrator to initiate a study of the property value and public policy implications of Kiawah’s brand positioning, to include study scope, initial screening of consulting firms, costs, and approaches for inclusion of key stakeholder groups. The motion was seconded by Councilmember Said and was unanimously approved.

B. To Consider Approval of the 2019/2020 Kiawah Conservancy Project Funding

Mr. Jim Jordan stated the Town has partnered with and provided financial support to the Kiawah Conservancy for many years. During Fiscal Year 18-19, the Town provided \$70,000 from County ATAX to support five different Conservancy programs. In Fiscal Year 19-20, the Town has again budgeted a line item of \$70,000 to support Conservancy projects providing topics relevant to the Town.

The Kiawah Conservancy submitted three funding proposals for this fiscal year to the Town’s Environmental Committee, which were reviewed and discussed at the Committee’s October 10th meeting. The Conservancy’s proposed projects are as follows:

- | | |
|--|----------|
| 1. Groundwater Table Research and Monitoring | \$50,000 |
| 2. Marsh Vulnerability Study | \$19,000 |

3. Native Plant Symposium

\$18,000

Mr. Jordan stated that the Environmental Committee was generally supportive of all three projects but felt that the Groundwater Table Research and Monitoring and Marsh Vulnerability Study provided the most value and addressed the issue of flooding and sea-level rise, which is a significant issue for the Kiawah community. The Environmental Committee recommended the approval of the Groundwater Table Research and Monitoring and Marsh Vulnerability Study, which were within budget, and if funding was still available to revisit the Native Plant Symposium.

In response to Mayor Pro Tem Widuch's question, Mr. Jordan explained the Groundwater Table Research project proposed would be the first phase of a multi-phase project to monitor groundwater across Kiawah Island, with a focus on salinity level and water table height. Studying the groundwater will provide valuable information to prepare for vegetative die-back of dominant forest species, policies regarding the island's drainage infrastructure, promotion of salt-tolerant landscape plantings, and siting for landscape low impact development practices.

Mayor Pro Tem Widuch made a motion to approve funding of the Kiawah Conservancy Groundwater Table Research and Monitoring and Marsh Vulnerability Study to revisit the Native Plant Symposium the funding is available. The motion was seconded by Councilmember Prickett.

Mayor Weaver asked that funding be contingent on securing the professors and support students from the College of Charleston who will be performing the studies. Mr. Bunrick, with the Kiawah Conservancy, indicated arrangement had been made with Professor Tim Callahan his expertise and for the selection of a graduate candidate to participate in the Groundwater Table Research project. Dr. Norm Lavine, with the Low County Hazard Center, will be providing services and expertise on the Marsh Vulnerability Study.

Following the discussion, the motion was unanimously passed.

C. Alligator Audit Update

Councilmember Connelly stated that over the past three months, a workgroup including Mr. Ben Cheatham - Kiawah Island Community Association (KICA), Ms. Liz King - Resort, and herself. Additional resources were Mr. Jim Jordan – Town Biologist, Matt Hill – KICA Land and Lakes Management, Dr. Tom Rainwater – Research Scientist from Clemson -Tom Yawkey Wildlife Center.

The purpose of the study was to assure that every effort was made to protect the public, protect the wildlife, eliminate legal liability exposure, and to retain alligators as an essential element of the Kiawah experience.

The Workgroup Review and Evaluate:

- The property owner and visitor awareness of alligator presence
- On-site signage
- Owner/visitor communications
- Intervention protocols resources including record keeping
- Training adequacy of island resources
- Population control

Public and Property Owner Communications:

- Training
 - Create a training video for KICA Security Staff at the gate
 - Golf operations
 - Andell Inn dock

Signage:

- 1) Add additional "DANGER" signs where necessary
 - Resort Golf Courses
 - Night Heron lake areas
 - River Course (golf)
 - Andell Inn dock
 - Any paths heavily traveled where there are no signs
 - Areas where alligators bask that are near bike paths
- 2) Add new smaller placard to all signs, so language differences among guests and children are understood
- 3) Add smaller signs to decks on rental accommodations
- 4) Check all bridges and docks for alligator signs
- 5) Add signage to fishing areas asking fisherman/women to stop tossing bait into lakes

Public and Property Owner Communication:

- 1) Add alligator awareness statement on the back of visitor passes
- 2) Include an explanation of the responsibility of homeowners to notify renters of alligator information in a rental license
- 3) Include alligator safety information in the rental unit information
- 4) Continue to educate property owners about alligator through Town publications
- 5) Avoiding confrontation with alligators and unsafe human behavior
- 6) Post information online
- 7) Investigate language translation

Alligator Handling and Behavior Education:

- 1) Record keeping
- 2) Town to educate security members and deputies on the protocol for handling alligators and record-keeping
- 3) Continue Nature Center programs on alligators

Separating Alligators from People Avoiding Encounters:

- 1) Identify heavily traveled paths for prevention signage and barriers
- 2) Evaluate the use of islands ramps reviewing platforms with the goal of increasing distance between human and alligators
- 3) Floating platforms:
 - Positioned in the deeper areas of the lake and secured with an anchor
 - Existing floating platforms are at Night Heron and Surfsong/Governors Lake
 - Test different platform styles and sizes to determine alligator preference
 - Learn to style man-made basking areas
 - Positioned on the shallow edge areas of the lakes
 - Look at artificial and natural logs.
- 4) Fencing and vegetation
 - Install fencing and vegetation a distance from lake edge to allow gators to continue to bask on the lake edge
 - Provide a clear indication that people should not cross the fence line.

Alligator Population Control Policy

According to the professionals, alligators self-regulate their population. Of course, all nuisance alligators should be removed immediately and disposed of. Our population has been consistent for years. Questions about removing larger alligators are asked frequently, but in reality, a large alligator can be 50 -60 years old, and it provides a sense of order among the population. Removal could be more disruptive then realized.

X. Town Administrator's Report:

Ms. Tillerson gave an update on Hurricane Dorian. She stated the Town has expensed out \$568,000 to date, with some bills still outstanding with a total estimated expense of \$750,000. A reimbursement call with FEMA will take place but is only for the public portion. With the reoccurrence of hurricanes as an annual event, the Town has taken the precaution of budgeting funding for clean-up expenses.

Ms. Tillerson gave an update on STR (Short-term Rental) enforcement stating that she would be presenting to the Ways and Means Committee a proposal with two options to include increasing evening code enforcement with additional full-time staff or contracting for additional services as an extension of the public service and code enforcement provided by Island Beach Services on the beach. Ms. Tillerson also stated that Ms. Edgerton is working on a webpage on the Town's website that will focus on the STR to provide specific rental information for residents, renters, and property management companies.

XI. Council Member:

- a. Committee Updates
- b. General Comments

Councilmember Prickett reported that the Arts Council Annual Report is out in hardcopy and will be online shortly. He paid tribute to all the partners who, without their support, the events could not be possible.

XII. Citizens' Comments:

Wendy Kulick – 38 Marsh Edge Lane

Ms. Kulick thanked Council members for listening to comments on the STR ordinance and suggested that an acknowledgment of the passing of former Mayor Bo Turner be placed on his picture in the lobby.

XIII. Executive Session:

None

XIV. Adjournment:

Councilmember Connelly motioned to adjourn the meeting at 4:15 pm. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date



Tab | 2

TOWN COUNCIL

Agenda Item

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

December 3, 2019; 2:00 PM

Minutes

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

II. Pledge of Allegiance

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

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

Notice of the meeting was posted with the Media 24 hours in advance, according to the Freedom of Information Act. All Town Council meetings are recorded for a complete transcript

Mayor Weaver indicated there were two proposed changes to the agenda. The addition of New Business item C. The appointment of the Town Attorney. Mr. Joseph Wilson's contract was approved to be effective January 1, 2020, but requires the appointment of the Council to act on behalf of the Town formally. New Business Item B. is to be moved to Executive Session to receive legal advice on the approval of the Settlement Agreement with Exclusive Resorts, LLC.

Mayor Weaver made a motion to add item C. To Consider Approval of the Appointment of the Town Attorney to New Business and to moved item B. To receive a legal opinion on the approval of the Settlement Agreement with Exclusive Resorts, LLC to Executive Session. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

III. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of November 5, 2019

Approval of the minutes of the November 5th Town Council meeting was deferred.

IV. **Mayor's Update:**

Mayor Weaver hoped that everyone had an enjoyable Thanksgiving holiday and a Happy Christmas holiday to come.

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

None

VI. **Consent:**

Mayor Weaver stated that the three consent items were reviewed and recommended to Town Council for approval by the Ways and Means Committee.

A. To Consider Approval of Employee Health Insurance Assistance for Calendar Year 2020

Mayor Weaver stated that following the discussion at the Way and Means Committee meeting the Employee Health Insurance Assistance for Calendar Year 2020.

The recommendation for the employee the only contribution for single employee coverage was to increase from \$10.00 to \$25.00.

B. To Consider Approval to Enter into a Contract with Segra for Internet and Phone Service

Mayor Weaver stated that discussion of the Contract with Segra at the Way & Means Committee meeting raised concerns that there be performance requirements included in the five-year contract along with the ability to cancel the contract if there are performance issues. He indicated that it is his understanding that the agreement will include provisions to address those concerns.

C. To Consider Approval for Code Enforcement Services and a Short-Term Rental Compliance Clerk

Mayor Weaver stated that discussion at the Way and Means Committee meeting recommended the reduction of the three-year contract to one-year with the option to extend for two additional one-year terms to enable the Town to assess the cost and the level of code compliance that was needed.

Councilmember Prickett made a motion to approve consent items A, B, and C. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

VII. Old Business:

None

VIII. New Business:

A. To Consider Approval of the 2020 Meeting Schedule

Mayor Weaver stated that the 2020 meeting schedule follows the previous year, with the exception that the Public Safety Committee meeting will be held at 11:30 for the coming year.

Councilmember Connelly made a motion to approve the 2020 Meeting Schedule. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

C. To Consider Approval of the Appointment of the Town Attorney

Mayor Weaver made a motion to approve the appointment of Joseph Wilson as the Town Attorney effective January 1, 2020. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

IX. Town Administrator's Report:

None

X. Council Member: None

- a. Committee Updates
- b. General Comments

XI. Citizens' Comments:

None

Councilmember Connelly made a motion to enter into Executive Session to receive legal advice on the Webster Rogers Litigation Regarding Potential Settlement or Approval of Legal Contract with Current Town Counsel to Handle Case Until Conclusion and to Receive Legal Opinion on the Approval of the Settlement Agreement with Exclusive Resorts, LLC. The motion was seconded by Councilmember Said and was unanimously passed.

XII. Executive Session:

- A.** To Receive Legal Advice on the Webster Rogers Litigation Regarding Potential Settlement or Approval of Legal Contract with Current Town Counsel to Handle Case Until Conclusion.
- B.** To Receive Legal Opinion on the Approval of the Settlement Agreement with Exclusive Resorts, LLC.

Mayor Weaver made a motion to come out of Executive Session and to return to Regular Session. The motion was unanimously passed.

Mayor Weaver stated that regarding the potential settlement of the Webster Rogers litigation or approval of a legal contract with current Town Counsel to handle the case until the conclusion, no decisions were made, no votes were taken, and no actions occurred.

Mayor Weaver stated that regarding the approval of the settlement agreement with Exclusive Resorts, LLC., no decisions were made, no votes were taken, and no actions occurred were made in Executive Session.

A Memorandum of Understanding (MOU) with Exclusive Resorts, LLC was presented to Town Council for consideration and approval. Mr. Wilson went over the MOU with Town Council.

Councilmember Said made a motion for the Town to enter into the Memorandum of Understanding (MOU) between the Town of Kiawah Island and Exclusive Resorts, LLC. The motion was seconded by Councilmember Prickett.

Mayor Pro Tem Widuch indicated that he did not support the MOU objecting to the confidential portion of the agreement. He felt inappropriate not to release the amount of any settlement on past accommodation taxes. Mayor Weaver asked Mr. Appel, the attorney for Exclusive Resorts, LLC, the significance of the redaction of that amount.

Mr. Appel indicated that the settlement amount could be viewed as sensitive tax information and could be subject to FOIA.

Following the discussion, the motion passed by a three to two vote. Mayor Pro Tem Widuch and Councilmember Connelly voting "No."

XIII. Adjournment:

Councilmember Prickett motioned to adjourn the meeting at 3:36 pm. The motion was seconded by Mayor Pro Tem Widuch and carried unanimously.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

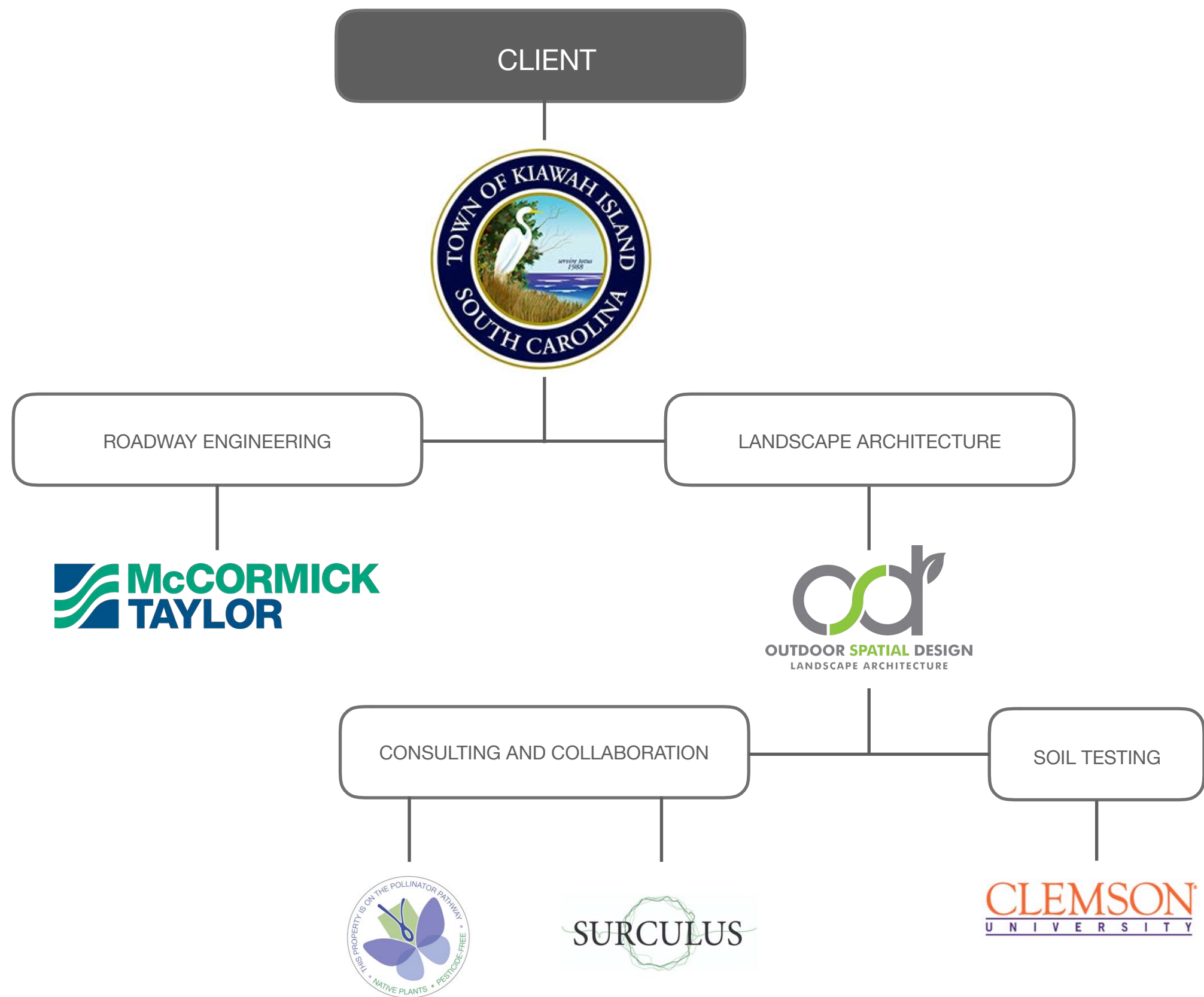
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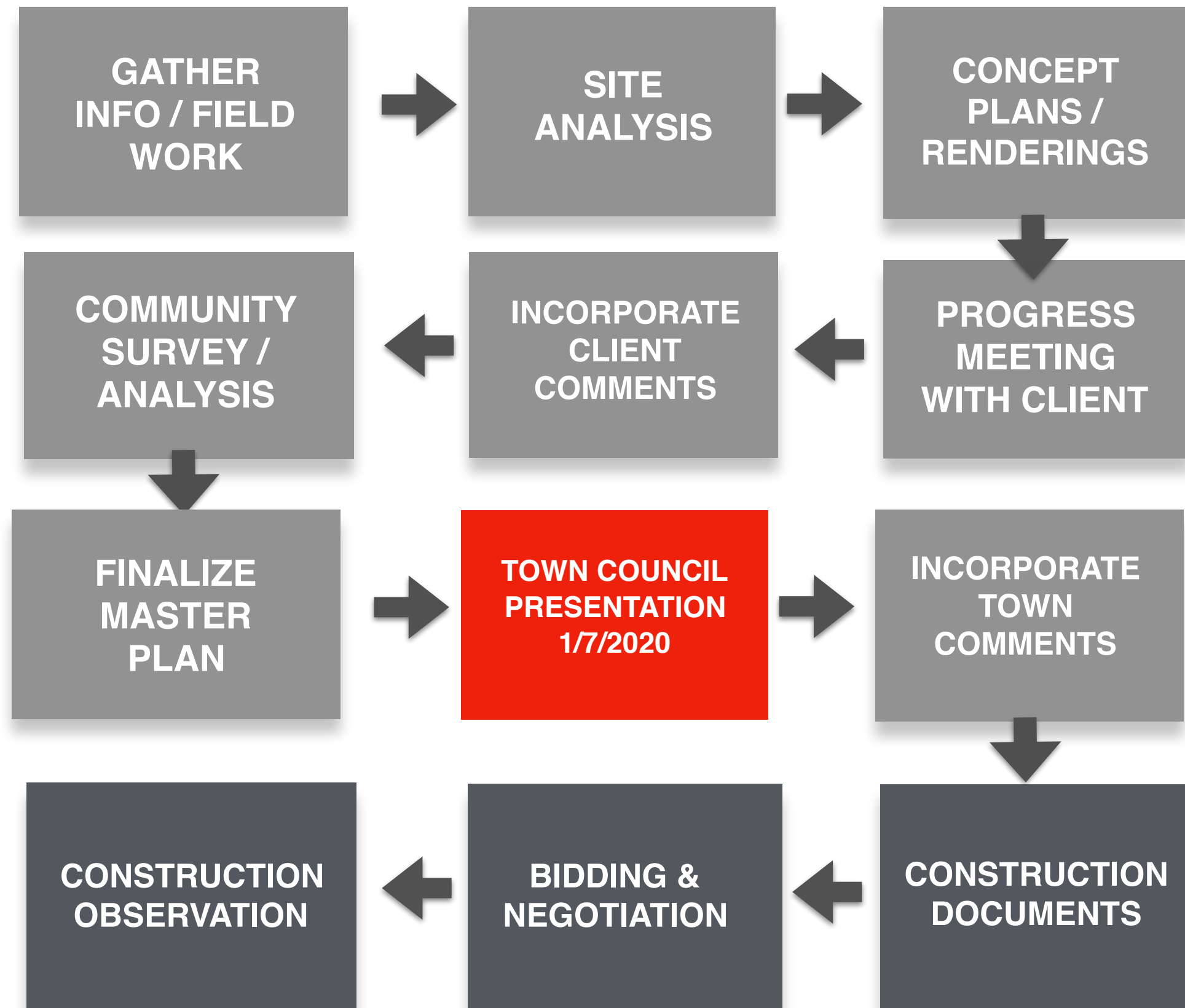


Tab | 3

TOWN COUNCIL

Agenda Item







ENHANCING THE LANDSCAPE ALONG KIAWAH ISLAND PARKWAY - CREATING HARMONY BETWEEN THE BUILT AND NATURAL ENVIRONMENTS.



CREATING AN OPPORTUNITY FOR NATIVE FLORA AND FAUNA TO THRIVE.



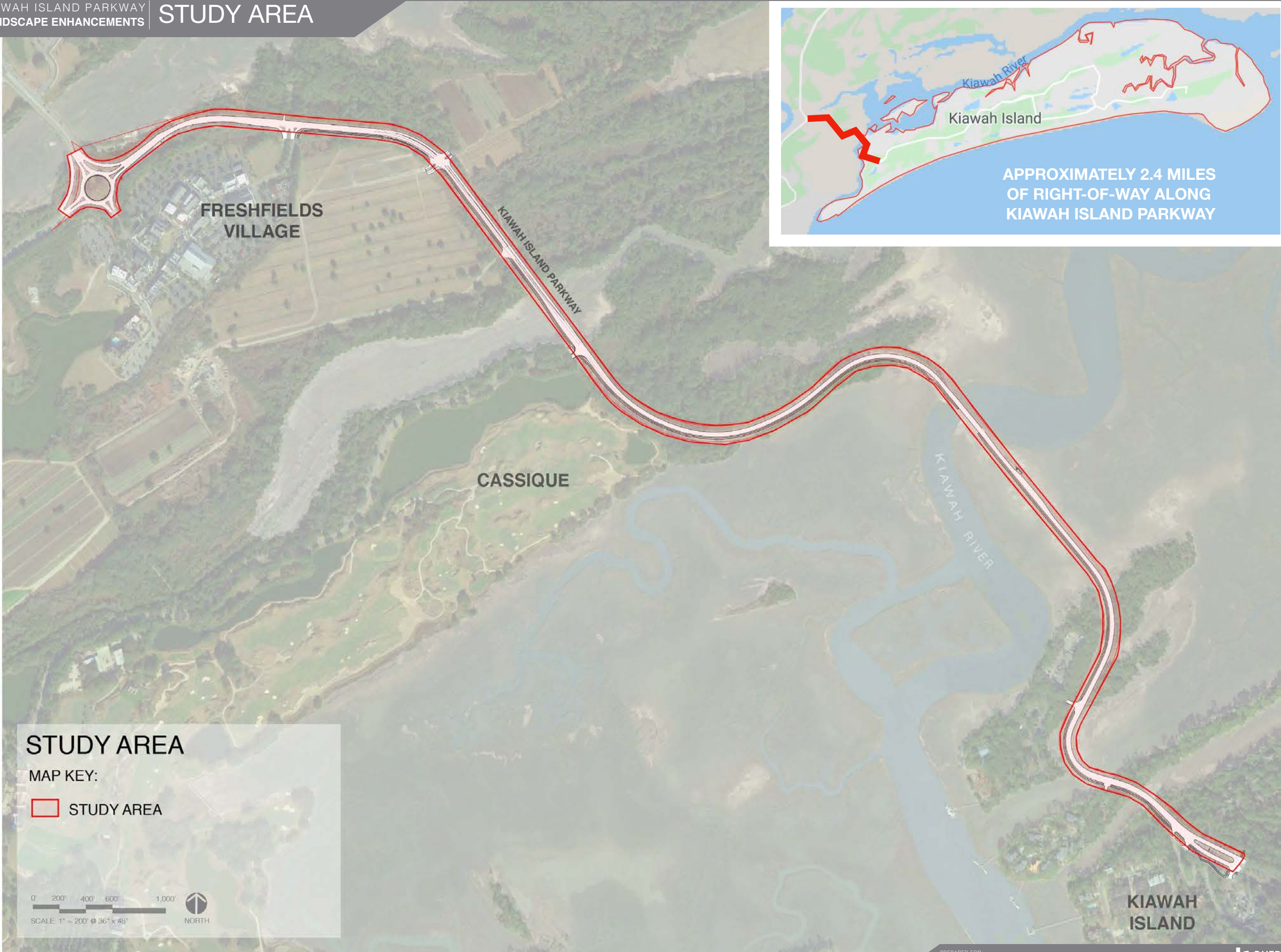
EDUCATING THE PUBLIC ON THE IMPORTANCE OF NATIVES, WILDLIFE CORRIDORS, AND POLLINATORS, SO THAT THESE PRINCIPALS CAN BE INCORPORATED BY KIAWAH RESIDENTS.



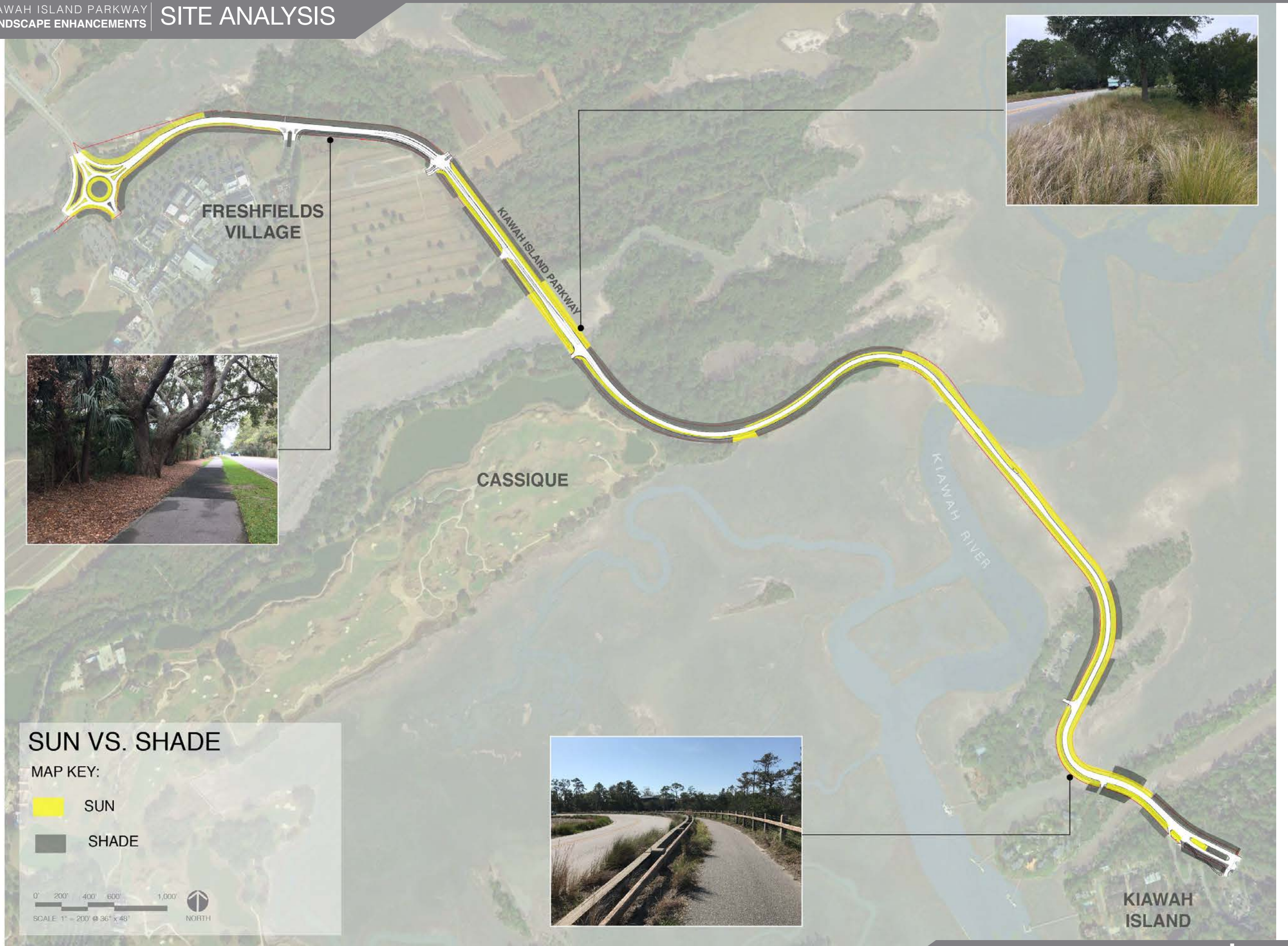
ACCENTUATING AND UNCOVERING BEAUTIFUL LOW COUNTRY MARSH VIEWS.



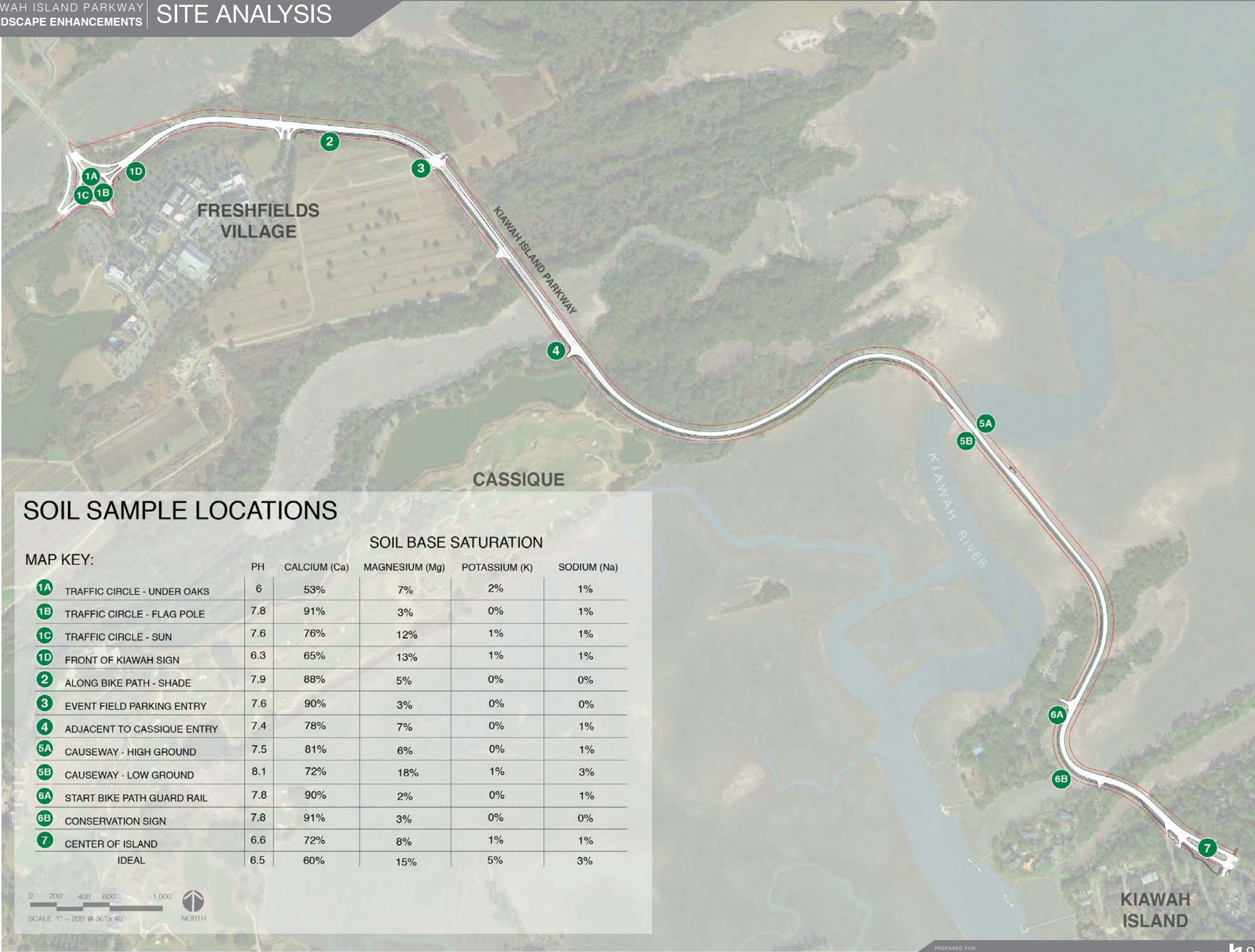
ELEVATING THE EVERYDAY EXPERIENCE FOR ALL OF THOSE WHO LIVE, WORK AND PLAY ON KIAWAH.

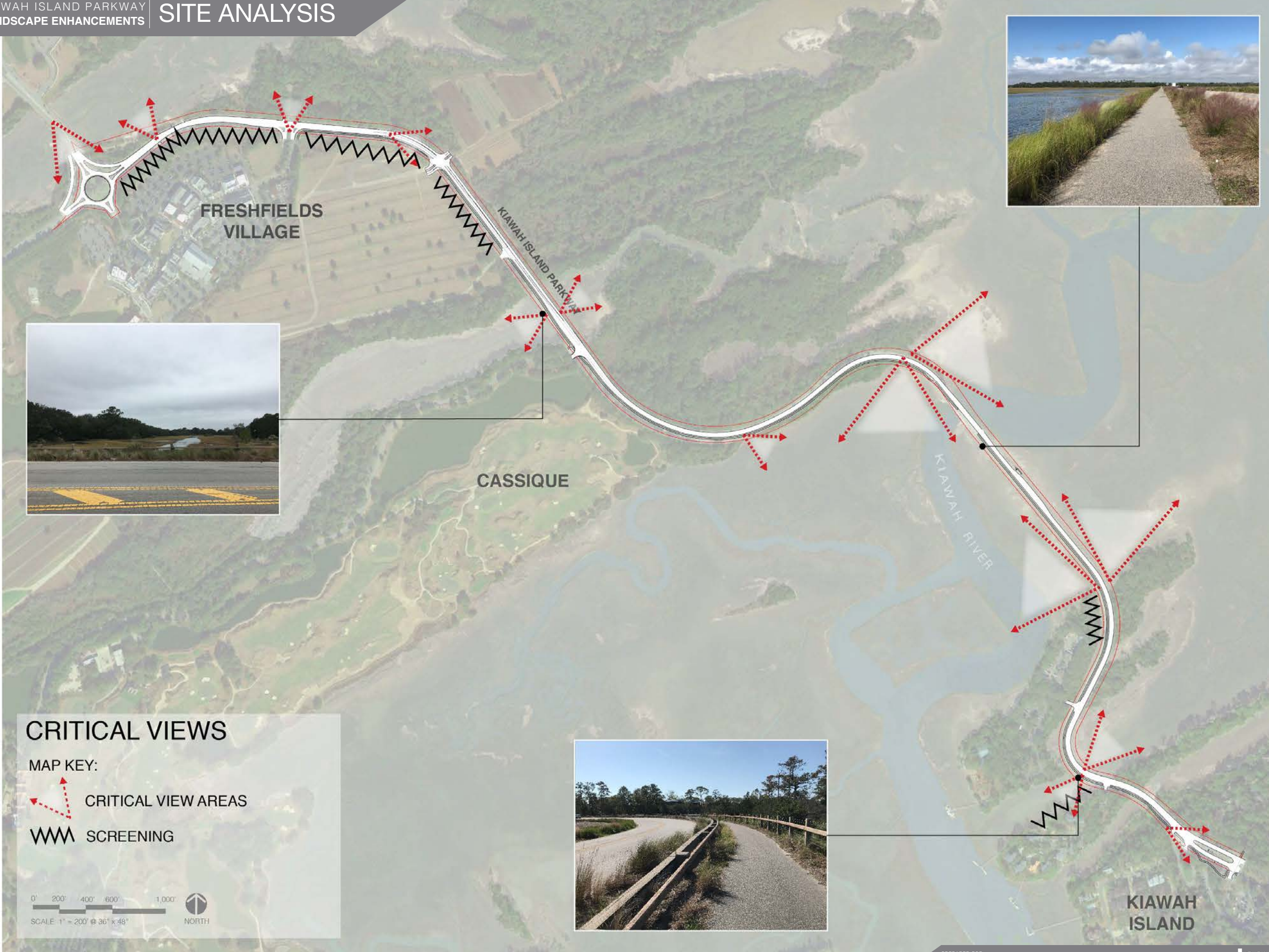


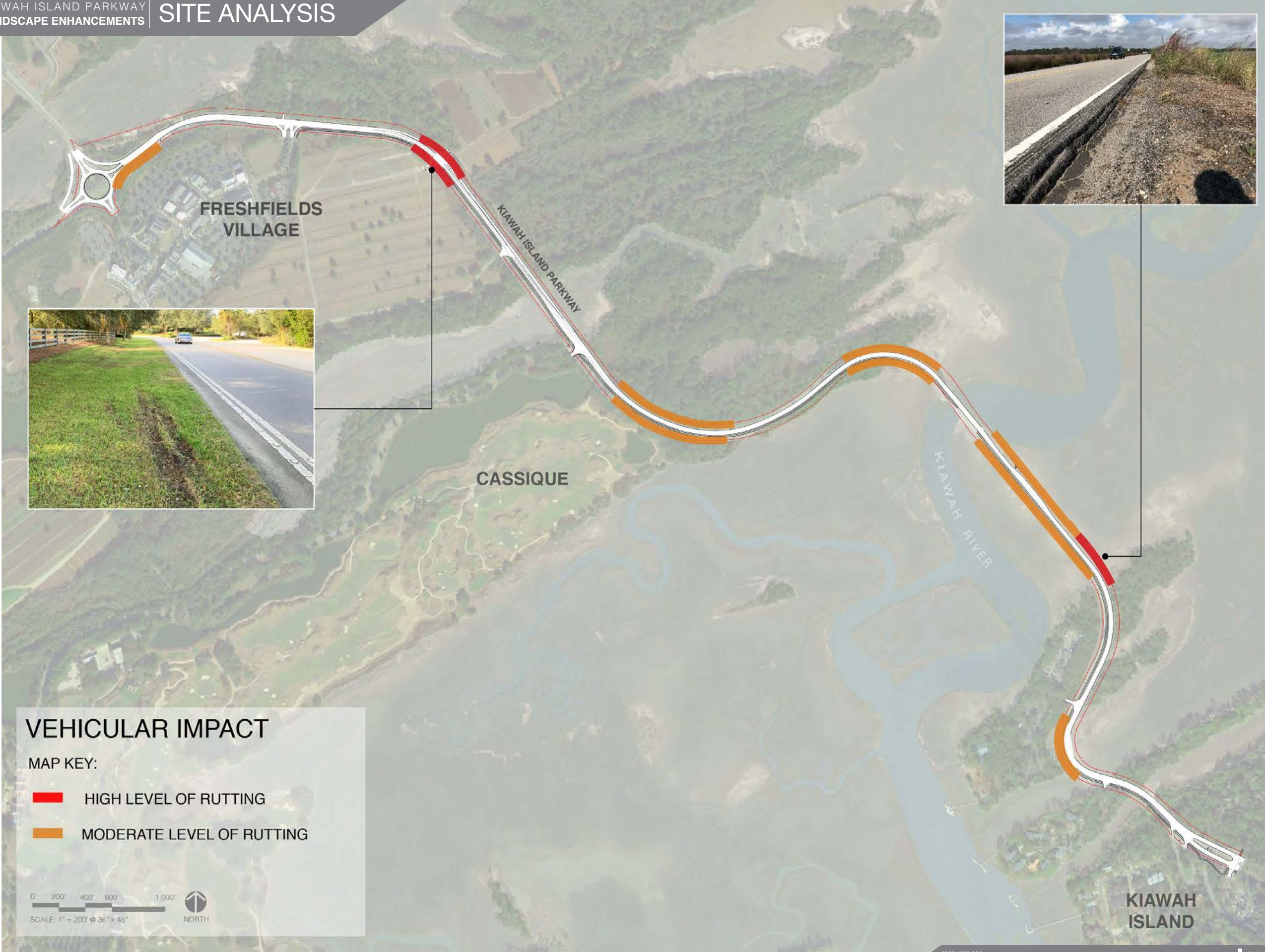


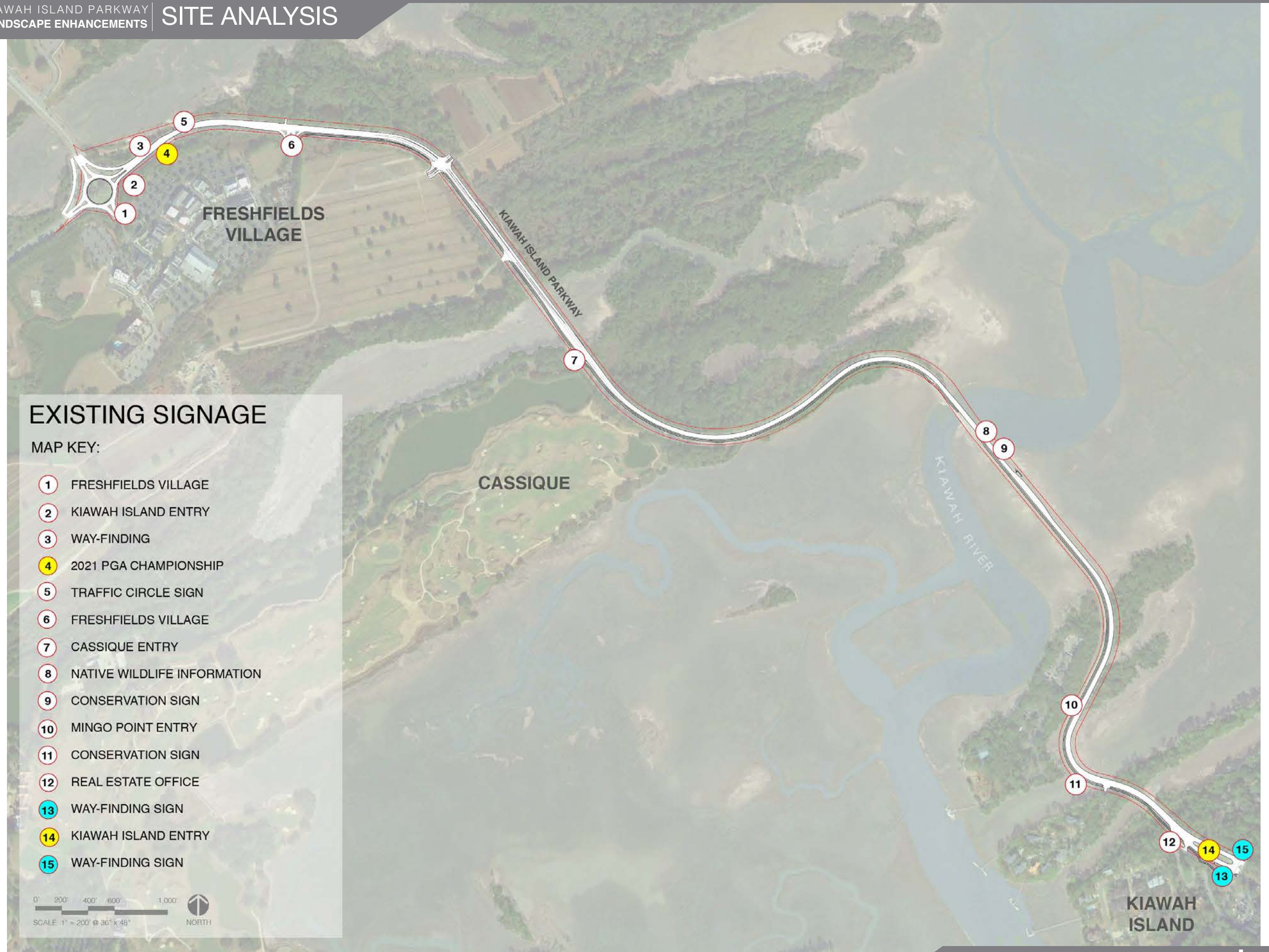
















IMPORTANCE OF POLLINATORS AND POLLINATOR POCKETS

- 75% DECLINE IN FLYING INSECTS IN AMERICA IN THE LAST 25 YEARS (US WILDLIFE FEDERATION)
- POLLINATORS ARE NECESSARY TO FERTILIZE PLANTS IN YARDS, PARKS, ORCHARDS AND FARMS.
- NATIVE BEES AVERAGE A RANGE OF 750 METERS
- POLLINATOR POCKETS HELP BRIDGE GAPS IN THE LANDSCAPE AND CONNECT EXISTING POLLINATOR HABITATS
- NATIVE POLLINATORS HAVE EVOLVED TO DEPEND ON NATIVE PLANTS (MONARCH BUTTERFLY AND MILKWEED)

IMPLEMENTING INTO THE LANDSCAPE

- SITE ANALYSIS: SOILS, SUN EXPOSURE, TOPOGRAPHY, SENSITIVE AREAS, VISIBILITY
- IDENTIFY IDEAL LOCATIONS FOR PLANT COMMUNITIES
- INSTALL CLUSTERS OF EACH SPECIES IN NEARBY SWATHS
- PROTECTION FROM PESTICIDES AND NOISE POLLUTION FROM MOWING
- EDUCATING LANDSCAPE MAINTENANCE COMPANIES
- NATIVE POLLINATOR POCKETS ARE NOT LOW MAINTENANCE
- MONITOR WEEDS AND PLANT COMPETITION
- SEASONAL REPLENISHING AS NECESSARY
- COMMUNITY EDUCATION AND INVOLVEMENT TO EVOLVE EXPECTATIONS OF THE LANDSCAPE











































ZONE A: LITTORAL SHELF PLANTINGS



ZONE B: EVERGREEN SHRUB BORDERS



ZONE C: POLLINATOR POCKETS



ZONE D: UNDERSTORY PLANTINGS







ZONE A: LITTORAL SHELF PLANTINGS



ZONE B: EVERGREEN SHRUB BORDERS



ZONE C: POLLINATOR POCKETS



ZONE D: UNDERSTORY PLANTINGS

































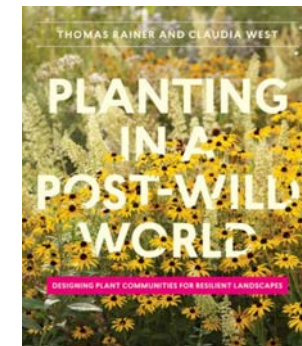


SOURCES CONSULTED

- SARAH BERGMANN, CREATIVE DIRECTOR, POLLINATOR PATHWAY
- ERIN STEVENS, PRESIDENT, SURCULUS DESIGN
- PLANTING IN A POST-WILD WORLD: DESIGNING PLANT COMMUNITIES FOR RESILIENT LANDSCAPES - THOMAS RAINER AND CLAUDIA WEST
- NATIVE PLANT DATABASE, GROW NATIVE INITIATIVE - TOWN OF KIAWAH ISLAND
- POLLINATOR FRIENDLY NATIVE PLANT LISTS - XERCES SOCIETY
- NATIVE PLANT AVAILABILITY LISTS - ROOTS & SHOOTS
- BILL LAMSON-SCRIBNER, POSSUM'S LANDSCAPE SUPPLY

NEXT STEPS

- SELECT CONCEPTUAL PLANS TO MOVE FORWARD WITH
- CONSTRUCTION DOCUMENTS
- BIDDING AND NEGOTIATION
- TOWN COUNCIL MEETING - 3/3/20





Tab | 4

TOWN COUNCIL

Agenda Item



TOWN OF *Kiawah Island*®

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

2020

ARTS & CULTURAL EVENTS COUNCIL

*Committee members are appointed by Town Council and serve one year terms.
All terms expire on January 31.*

Gary Rice, Chairman

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Keely Laughlin

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TOWN OF KIAWAH ISLAND ARTS AND CULTURAL EVENTS COMMITTEE CHARTER

1. The Arts and Cultural Events Council (ACEC) for the Town of Kiawah Island shall be a standing committee of the Town Council and shall advise the Town on matters relating to the planning, development, organization and implementation of activities relating to the visual and performing arts.
2. The ACEC shall strive to ensure that Kiawah is recognized as an arts and culturally minded community.
3. A member of Town Council shall have oversight responsibility and serve as Committee Chairperson. The remaining membership shall be comprised of at least five (5) but not more than nine (9) Kiawah Island property owners appointed by the Mayor with consent of the Town Council. Member terms shall be for one year and expire annually on January 31. Committee members may be reappointed for successive terms as approved by the Mayor and Town Council
 - a. The Town Council may appoint up to three (3) advisory members (non voting) to the ACEC to assist and support the Committee.
4. The ACEC is a “working” committee tasked with:
 - a. Sourcing concerts and cultural arts events
 - b. Assisting in the development and distribution of promotional materials
 - c. Preparing production plans and managing logistics of performance
 - d. Assisting at events
 - e. Evaluating the event results
5. Preferred skill set should include:
 - a. Cultural arts background and expertise
 - b. Excellent planning and organizational capabilities
 - c. Knowledge of performing arts and performing arts groups
 - d. Ability to work in harmony with performing arts groups and other Arts Council members.
6. The ACEC shall:
 - a. Develop annual budgets for review/ approval by the Ways and Means Committee and final approval of Town Council.
 - b. Work to enhance community, visitor and tourist appreciation of arts and cultural events within the Town and environs by providing a diversity of programming.
 - c. Publish an annual report summarizing fiscal-year events and accomplishments.
 - d. Develop relationships with local, state, regional and national arts organizations.
 - e. Develop relationships with schools, businesses and other organizations supporting the arts.
7. The funding sources for the ACEC will be derived from:
 - a. General Funds – the primary source of funding for the resident related events.

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

Applications Process

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

Contracting

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

Payment Terms

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

2020 AUDIT COMMITTEE

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

Klaus Said, Chairman

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James A Williams

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[Seeking new member](#)

[Kiawah Island, SC 29455](#)

Dorota Szubert, Town Treasurer

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dszubert@kiawahisland.org

TOWN OF KIAWAH ISLAND AUDIT COMMITTEE CHARTER

I. PURPOSE

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

II. MEMBERSHIP

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

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

III. MEETINGS AND QUORUM

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

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

III. AUTHORITY

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

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

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

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

V. KEY RESPONSIBILITIES

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

A. Independent Audit

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

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

B. Internal Control and Risk Oversight

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

C. Financial Reporting

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

D. Oversight of Legal and Ethical Compliance

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

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

E. Other Responsibilities

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

2020 Board of Zoning Appeals

*The Committee members serve three year terms which expire on January 31st
and are appointed by the Mayor and Town Council.*

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Scott Parker (2022)

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***Wendy Kulick (2020 to 2023)**

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Ben Farabee (2021)

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***Frank Cassidy (2020 to 2023)**

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J. Jay Lewis (2021)

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Morris Hanan (2021)

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John Taylor, Planning Director

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***To be reappointed**

Updated 12/23/2019

SECTION 6-29-780. Board of zoning appeals; membership; terms of office; vacancies; compensation.

(A) As a part of the administrative mechanism designed to enforce the zoning ordinance, the zoning ordinance may provide for the creation of a board to be known as the board of zoning appeals. Local governing bodies with a joint planning commission and adopting a common zoning ordinance may create a board to be known as the joint board of appeals. All of these boards are referred to as the board.

(B) The board consists of not less than three nor more than nine members, a majority of which constitutes a quorum, appointed by the governing authority or authorities of the area served. The members shall serve for overlapping terms of not less than three nor more than five years or after that time until their successors are appointed. A vacancy in the membership must be filled for the unexpired term in the same manner as the initial appointment. The governing authority or authorities creating the board of zoning appeals may remove any member of the board for cause. The appointing authorities shall determine the amount of compensation, if any, to be paid to the members of a board of zoning appeals. None of the members shall hold any other public office or position in the municipality or county.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-790. Board of zoning appeals; officers; rules; meetings; notice; records.

The board shall elect one of its members chairman, who shall serve for one year or until he is re-elected, or his successor is elected and qualified. The board shall appoint a secretary who may be an officer of the governing authority or of the zoning board. The board shall adopt rules of procedure in accordance with the provisions of an ordinance adopted pursuant to this chapter. Meetings of the board must be held at the call of the chairman and at such other times as the board may determine. Public notice of all meetings of the board of appeals shall be provided by publication in a newspaper of general circulation in the municipality or county. In cases involving variances or special exceptions conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board and must be a public record.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-800. Powers of board of appeals; variances; special exceptions; remand; stay; hearing; decisions and orders.

(A) The board of appeals has the following powers:

(1) to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;

(2) to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) these conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

(i) The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise

permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

A local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board members present and voting. Notwithstanding any other provision of this section, the local governing body may overrule the decision of the local board of adjustment concerning a use variance.

(ii) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare;

(3) to permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the zoning ordinance; and

(4) to remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing and notice of the rehearing must be mailed to these persons prior to the rehearing.

(B) Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. The appeal must be taken within a reasonable time, as provided by the zoning ordinance or rules of the board, or both, by filing with the officer from whom the appeal is taken and with the board of appeals notice of appeal specifying the grounds for the appeal. If no time limit is provided, the appeal must be taken within thirty days from the date the appealing party has received actual notice of the action from which the appeal is taken. The officer from whom the appeal is taken immediately must transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(C) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(D) The board must fix a reasonable time for the hearing of the appeal or other matter referred to the board, and give at least fifteen days' public notice of the hearing in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the appeal or matter within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

(E) In exercising the above power, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the execution of the duties specified in this chapter, may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

(F) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.

HISTORY: 1994 Act No. 355, Section 1; 2003 Act No. 39, Section 2, eff June 2, 2003.

2020

Construction Board of Appeals

*The Committee members serve three year terms which expire on January 31st
and are appointed by the Mayor and Town Council.*

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Mo Mangan

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Marshall Beverly

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Ryan Kunitzer

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***to be approved**

Town of Kiawah Island

Construction Board of Appeals

Rules of Procedure

History

The Construction Board of Appeals was created by Town Council on May 6, 2014. The Construction Board of Appeals is empowered to hear appeals regarding decisions and interpretations made by the town's Building Official.

Membership

Seven (7) members appointed by Town Council. The membership shall be comprised of the following individuals: building contractor or architect, electrical contractor or electrical engineer, mechanical contractor or mechanical engineer, gas contractor, plumbing contractor, fire service professional, structural engineer/architect. Members shall have a minimum of ten years of experience in their given discipline, be duly licensed by the State of South Carolina as a design professional, fire marshal or fire chief, and contractor. The building official shall serve as ex-officio member. The board shall consist of volunteer members who reside within the jurisdictional boundaries of Charleston County.

Term

3 years

Responsibilities

- Hear grievances and appeals regarding the application of the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel and Gas Code, International Fire Code, International Energy Conservation Code, International Property Maintenance Code, International Existing Building Code, International Swimming Pool and Spa Code, and the National Electrical Code.
- Provide educational opportunities for contractors.

Commitment

The Board meets as called. Meetings usually last approximately one hour and are held at a time and place determined by the Chairperson. The board shall conduct annual meeting to remain an active board. Annual meeting shall commence on or before the second Wednesday in the month of February.

Staff Liaison

Town Building Official

Purpose

An integral part of the Town's system for regulation of construction best practices and island development; is the development of the Construction Board of Appeals. The board is empowered to hear claims that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have the authority to waive or grant variances to the requirements of this code.

The board shall hear such claims for all legally adopted codes as pursuant to Chapter 3 of the Municipal Code of the Town of Kiawah Island.

Definitions

1. "approved" means approved by the Construction Board of Appeals.
2. "board" means Construction Board of Appeals.
3. "building official" means the officer designated by the town, who is charged with the administration and enforcement of town's adopted building codes and ordinances and their related programs.
4. "code enforcement" means administering a building inspection department, enforcement or rendering interpretation of the building, residential, fire, electrical, mechanical, fuel gas, energy, existing building, swimming pool, and property maintenance code so adopted by the town, performing plan review, or performing inspections on one or more building systems for new construction, or renovation, as or under the supervision of the building official.
5. "codes" means the editions of the International Codes adopted by the Town and defined in Chapter 3 of the Municipal Code for the Town of Kiawah Island.

Public Notice

All Construction Board of Appeal's meeting and or hearing shall be posted 48 hours prior to such meeting being conducted on the Town's website.

Appeal Procedures

Any person or organization aggrieved by the decision of the Town's Building Department shall appeal in writing within thirty days following the date of the action upon which the appeal is based, the request shall contain:

- (a) the name and address of appellant; and
- (b) the names and address of all other persons involved; and
- (c) a summary of the action from which the appeal is taken, to include naming of the code and sections that are prudent to the claim; and
- (d) the ground of disagreement with the action from which the appeal is taken; and
- (e) a statement that the appellant desires a hearing or decision based on written arguments and documents submitted; and
- (f) the signature of the appellant or responsible officer if the appellant is an organization; and
- (g) additional documents as the appellant may consider pertinent.

Call for Hearing

Once all documents have been properly filed with the Town of Kiawah, the Construction Board of Appeals shall call for hearing to be heard within 30 days of such submittal. The Town Clerk shall provide written notification to the appellant and all persons indicated on the request: date, time, and place of the requested hearing. The Town Clerk shall notify all parties in the form of certificated mail addressed to each appellant.

Ruling

A quorum of board members must be established in order to conduct all requested hearings. A majority vote of the members present shall constitute a ruling. All rulings provided by the board are final, and appellant acquiesce is mandated there upon. A record of the meeting, stating the board's ruling and reasons thereof, shall be maintained for public review in the Town Clerk's Office and or the Town's library of records.

Notification of Ruling

The board ruling and reasons thereof shall be provided by the Town Clerk to all affected parties within 10 days of the final ruling by the board.

Adoption

These rules were adopted by a vote of a majority of the members of the Commission at a regular public meeting on January 8, 2020.

Chairman

Attest:

Petra S. Reynolds, Town Clerk

Date

2020 ENVIRONMENTAL COMMITTEE

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

Jim Jordan - TOKI - Chairman

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Lynne Sager

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Doug Walter, KICA Land Management

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Aaron Given - TOKI

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***to be appointed**

The Town of Kiawah Island

Environmental Committee Charter

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

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

2020 Planning Commission Members

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

Fred Peterson, (2023)

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(843) 670-9512
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William (Bill) Dowdy (2021)

87 Bufflehead Drive
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(843) 641-0160
Email: Dowdy.bill@yahoo.com

Andrew J. Capelli, (2021)

160 Governor's Drive
Kiawah Island, SC 29455
(843) 768-9113
Fax: (843) 768-0399
Email: acapelli35@hotmail.com

John R. Moffitt (2020 to 2024)

36 Painted Bunting Court
Kiawah Island, SC 29455
(704) 968-5130
Email: johnmoffitt5523@gmail.com

Gale Messerman (2023)

56 River Marsh Lane
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(843) 768-8900
Email: galesmesserman@gmail.com

Robert (Brit) Stenson (2020 to 2024)

142 Blue Heron Pond
Kiawah Island, SC 29455
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Email: britstenson@gmail.com

Larry Iwan (2022)

35 Salt Cedar Lane
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***To be reappointed**

Town of Kiawah Island Planning Commission Charter

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2020 Public Safety Committee

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

Maryanne S. Connelly, Chairman

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Julie Beier

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Tony Elder

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Dwight Williams

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Yvonne Johnstone

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Bonnie MacDonald

146 Hooded Merganser Court
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Bill Thomae

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Town of Kiawah Island
Public Safety Committee
Charter

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

2020 PUBLIC WORKS COMMITTEE

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

David DeStefano

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Warren Stannard

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Stephen Sager

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Will Connor

KICA, Director of Major Repairs
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**Stephanie Monroe Tillerson, AICP,
Town Administrator**

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Brian Gottshalk

Town Staff
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TOWN OF KIAWAH ISLAND
PUBLIC WORKS COMMITTEE CHARTER

- I.** The mission of the Public Works Committee is to: A.) assist the Town in monitoring and making recommendations to improve solid waste services, infrastructure, facilities and utility needs.
B.) to recommend and consider proposals and methods to upgrade and improve public works related services on the Island.
- II.** A member of Town Council shall have oversight responsibility for the public works committee serving as Committee Chairman and not less than 4 nor more than 7 permanent residents and representatives from organizations with similar interests shall serve as members.
- III.** The members of the Public Works Committee shall be approved by the Mayor and Town Council.
- IV.** The term for the members of the committee shall be for one year and expire annually on January 31. Committee members may be reappointed for successive terms as approved by the Mayor and Town Council.
- V.** The Committee will perform the following functions:

 - A.** Monitor the performance and activities of the Town Contractor as it relates to solid waste collection services.
 - B.** Monitor the activities of the utilities, including electric, water/sewer, cable and video providing service on the Island.
 - C.** Monitor the infrastructure conditions, repairs and replacement for Town owned infrastructure within its jurisdiction.
 - D.** Develop a long-term island infrastructure and facilities master plan to be incorporated into the Town's Comprehensive Plan.
 - E.** At the direction of the Mayor, engage in activities, investigations, analyses, engineering studies etc. relating to public works.
 - F.** Make recommendations to Town Council on ways to improve the quality of public works related activities as defined above on the Island.
- VI.** Committee meetings shall be noticed and open to the public as is required by State law. In addition to committee members, other invited guests and special consultants may participate from time to time.
- VII.** The Committee will be responsible to the Town Council and has no authority to spend funds or supervise staff except as approved by Town Council. Annually, the Committee will prepare a budget request covering committee activities for submittal to Town Council for approval and inclusion in the overall budget, if appropriate. The Committee Chairman shall report to Town Council on regular Town Council meeting dates.