

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

March 25, 2020; 9:00 am

Special Call Meeting

Minutes

I. Call to Order: *Mayor Weaver called the meeting to order at 9:00 am.*

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

Also Present: Joe Wilson, *Town Attorney*
Stephanie Tillerson, *Town Administrator*
Petra Reynolds, *Town Clerk*

Mayor Weaver took a few minutes to explain the proposed ordinance along with the proposal around short-term rentals. Following a summary of the key provisions incorporated into the proposed ordinance, Mayor Weaver stated he would request a motion and second required to open discussion. After the general discussion is completed, a roll call vote will be taken, followed by an opportunity to address some of the community comments.

II. **New Business:**

A. To Consider Approval of **Ordinance 2020-01** - An Emergency Ordinance of the Town Council of the Town of Kiawah Island, South Carolina to Declare a State of Emergency, Temporarily Suspend the Normal Operating Procedures of Council Meetings and Take Additional Measures to Protect the Public

Mayor Weaver expressed his thoughts on the seriousness of the moment, and that he could have never imagined that Kiawah would be dealing with a situation that is so fluid and that has had such an impact on its residents and broader communities. Mayor Weaver stated that he was comfortable this Town Council was doing everything it could do to make decisions based on factual information from numerous sources, with priority being given to the safety of Kiawah residents and property owners.

Mayor Weaver stated that Council's primary goal was to protect lives, with a secondary goal of trying to protect the economy of the community. With many people having to make sacrifices, employees not having jobs and businesses closing, the Town, in its third goal is trying to share the burden as much as possible by not trying to pick out certain groups, entities or elements of the population and somehow have them be impacted more than others.

Mayor Weaver pointed out what he sees as the most significant resident concerns; The first is simply to get people to start practicing safe distancing. The second is a focus on those checkpoints where people have to come into close contact with each other and the ability to shop without violating safe distancing. The third is the potential for others to bring the virus into the community.

Mayor Weaver stated that in response to community concern over the potential exposure to the COVID-19 virus prompted looking at restricting short-term rentals and access to the island. Council agreed there is no basis upon which Council can restrict property owners or their family members from

using their properties if safe distancing guidelines are followed. To address the community's desire to restrict the tourism population, the proposed ordinance would put in place a moratorium on the booking of new rental that would result in a first-day arrival between the dates of March 25, 2020, and April 15, 2020. Mayor Weaver explained the 21-day moratorium would apply to any short-term rental while allowing existing confirmed bookings to continue to be honored. He stated that from the information obtained, it was concluded the number of actual renters on the island is very low, slightly over 10% of the actual 1350 rental properties. Over the coming weeks, rentals would be declining. He further clarified that the proposed ordinance does not prevent short-term rental from booking reservations commencing after April 15. The proposed ordinance does not shut down short-term rentals. Instead, it focuses on community concerns surrounding the specific numbers, and potential exposure of new renters coming in from impacted states brings to the island. It will also allow the Town, over the next two to three weeks, to get a better idea of the status of the situation. If at the end of the 21 days, the issues become more complicated, it can be expected that there will be an extension.

Councilmember Said made a motion to approve Ordinance 2020-01 - An Emergency Ordinance of the Town Council of the Town of Kiawah Island, South Carolina, to Declare a State of Emergency, Temporarily Suspend the Normal Operating Procedures of Council Meetings and Take Additional Measures to Protect the Public. The motion was seconded by Mayor Pro Tem Widuch.

Mr. Wilson stated that an Emergency Ordinance, by South Carolina state law, does not require the customary second reading, goes into effect immediately, has the caveat that the ordinance cannot have a duration of longer than 61 days, and must be passed with a two-thirds vote of Council.

Mr. Wilson summarized the key provisions of the proposed ordinance, stating that along with addressing short-term rentals, the balance of the emergency ordinance deals with procedural issues that allow the Town to function virtually and provides for the cancellation of Town Council or Town Committee meetings. The provisions ask the public not to attend meetings except by virtual means and allows the public to comment by virtual means. It also authorizes the Town Administrator and Mayor to take whatever protective measures they deem are necessary for the protection of the public.

Mayor Weaver indicated that most of the public questions were addressed during the previous discussions.

Councilmember Connelly indicated that a lot of thought and consideration went into her decision. She said that as an individual, she has a personal responsibility to do everything she can to protect herself and her family from COVID-19. As a Councilmember, she has a responsibility to do everything possible to suppress the spread of the virus and to protect the Kiawah community; therefore, she will be supporting the recommendation.

Councilmember Prickett stated that clearly in his lifetime, and most evidently in the lifetime of most of the people listening, no one has ever been faced with anything like this. When an event such as the Olympics and the Masters Golf Tournament is postponed, it is not business as usual, so no one can expect the Town of Kiawah to be acting as usual. What is trying to be accomplished is to balance for Public Safety with the convenience and other issues that affect daily life. There is no question that there is an inconvenience, but as stated by Councilmember Connelly, some of it is a personal responsibility. If you are one of the people who are likely to be severely affected by this virus, do not leave your home and find ways for other things to be done by asking family members and others to help. For those who may not be severely affected by it, there is the chance of being a carrier. Because this disease does not show itself immediately, it requires an extra measure of responsibility to be taken on.

Councilmember Prickett stated that the Town has acted, in his opinion, very thoughtfully in trying to consider how to balance personal rights and responsibilities with the public health. This ordinance, while relatively simple in many ways, is fundamental, and he plans to vote in favor of this ordinance.

Mayor Pro Tem Widuch indicated there are a wide variety of opinions about what should be done on Kiawah in response to the coronavirus. These range from doing nothing and keeping all efforts on a strictly voluntary basis to locking down the island to all visitors, including non-resident homeowners who are not currently here. He stated that 80% of Kiawah homeowners do not live on the island but are part of the Kiawah Community and did not believe the Town should lockdown the island or prohibit any of the non-resident homeowners from coming. Taking a 21-day pause seems a reasonable action, and if conditions change during this period, adjustments can be made accordingly. He would prefer not to default to the extreme position of closing the island, canceling existing reservations, or telling people who want to visit that they are not welcome. He does not believe this position puts anyone at increased risk; everyone has the power to self-quarantine to avoid exposure to others if so inclined. For those who have a severe medical condition, there are resources available to help. Dozens of Kiawah neighbors have volunteered to shop on behalf of others or run errands. Kiawah is a remarkable community that stands ready to help anyone who needs it.

Mayor Pro Tem Widuch indicated he intends to support this ordinance because it is a reasonable and balanced response to the situation in which the Town finds itself.

Councilmember Said indicated that he would support the ordinance, while he did not have anything to add to all that eloquently said before, he did echo those sentiments.

Mayor Weaver indicated that questions were received regarding the Town's legal position and the validity of the Council taking this position. He asked Mr. Wilson to clarify for the Council the assurance that, based on his legal opinion Council has the authority to take the action that is being proposed.

Mr. Wilson stated that given the nature of the generational threat to public health that has been presented to the Council, the Town is clearly within its rights to take this very measured approach. Under the general police powers that are granted to the Town under the Home Rule Act, and under the many directives issued by the governor authorizing municipalities to act to protect public health. He continued by explaining police powers, and that Town's proposal is not close to the line between police powers and compensable taking. He stated with complete confidence that what the Town is proposing today is entirely legal and not as aggressive as the measures taken by surrounding municipalities. Mr. Wilson emphasized that everyone is going to suffer somewhat economically at this time, but that does not mean that the government is responsible for that economic pain.

Mayor Weaver addressed another question which asked; if someone rents after April 15 and things get worse, will extended reservations be honored. He explained that the proposed ordinance allows reservations for rental occupancy after April 15, if the re-assessment determines that the situation is worse rather than better, it would be very likely that the moratorium would extend. At that point, if there were a lot of new rental reservations on the books, Council may have to re-evaluate the question of honoring existing rentals, weighing the consideration in the context of the status of the medical situation at that time.

Mayor Weaver asked for a roll call vote to be taken on the motion to approve Ordinance 2020-01:

Councilmember Connelly	voted "Aye"
Councilmember Prickett	voted "Aye"
Councilmember Said	voted "Aye"
Mayor Weaver	voted "Aye"
Mayor Pro Tem Widuch	voted "Aye"

The motion was unanimously passed.

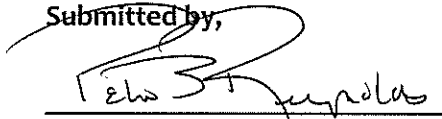
Mayor Weaver thanked the Town Council Members for the amount of time put into thinking about and engaging in the ordinance discussion, along with having dealt with many other issues over the past week. He also stated that following the meeting, Ms. Braswell, the Town's Communications Specialist would be providing communication to the general public, residents, and property owners along with providing another communication directly to the owners of rental properties and the major property management firms.

Mayor Weaver continued to address questions or discussed comments which were submitted before or during the live streaming of the meeting. The complete discussion can be found on the Town's YouTube site.

III. Adjournment:

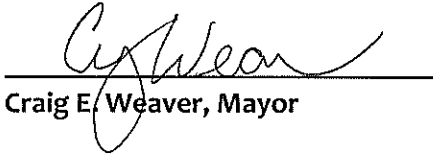
Councilmember Connelly motioned to adjourn the meeting at 10:15 am. The motion was seconded by Councilmember Said and carried unanimously.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor

4.8.2020

Date