

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

March 3, 2020; 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: Joe Wilson, Town Attorney
Dorota Szubert, Town Treasurer
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 Retreat of January 29, 2020

Councilmember Prickett made a motion to approve the minutes of January 29, 2020, Town Council Meetings. The motion was seconded by Councilmember Connelly, and the minutes were unanimously approved.

B. Minutes of the Town Council Retreat of January 30, 2020

Councilmember Said made a motion to approve the minutes of January 30, 2020, Town Council Meetings. The motion was seconded by Mayor Pro Tem Widuch, and the minutes were unanimously approved.

Mayor Weaver reminded that unlike the minutes of a Town Council meeting, the minutes of a Council Retreat or strategy meeting reflect conversations and do not necessarily reflect decisions or that an action will take place in the future.

C. Minutes of the Town Council Meeting of February 4, 2020

Councilmember Said made a motion to approve the minutes of February 4, 2020, Town Council Meetings. The motion was seconded by Councilmember Prickett, and the minutes were unanimously approved.

D. Minutes of the Special Call Town Council Meeting of February 11, 2020

Councilmember Connelly made a motion to approve the minutes of February 11, 2020, Town Council Meetings. The motion was seconded by Mayor Pro Tem Widuch, and the minutes were unanimously approved.

IV. Mayor's Update:

Mayor Weaver stated that the Town's Parkway repaving project has now begun with the mobilizing of equipment and the release of the project schedule for nighttime work of the initial run at milling and paving. In the weeks to follow daytime work will include the construction of the turn lanes into the Andell tract and the addition of the geo-grid that will be used to stabilize the ground where cars and trucks drive over the grass alongside the Parkway. He noted that in April and early May will include a long succession of nighttime work as the final paving is completed.

Mayor Weaver reported on the PGA (Professional Golfers' Association) kick-off media day held at the Sanctuary and co-hosted by Mr. Roger Warren, and Ms. Nikki Halley, Co-Chairs of the 2021 PGA Championship Council. The official kick-off opens the signup for ticket purchases and general public volunteer opportunities for the Championship, which will be played for the second time at the Ocean Course at Kiawah Island Golf Resort in May of 2021. He congratulated Mr. Warren and the Goodwin family for being able to bring back a significant event that inspires a sense of pride in residents and property owners of the Kiawah Community to have a venue that attracts the notoriety, attention, and substantial economic value.

V. Citizens' Comments (Agenda Items Only):

Wendy Kulick – 38 Marsh Edge Lane

Ms. Kulick, referencing the AirMed Care Network, questioned if there was a place on the Town's website in which someone could identify the other states that participate in the Network as they are traveling.

Ms. Edgerton indicated the information on the AirMed Care Network could be located on the Town's website under Public Safety but did not include the other participating states. Mayor Weaver indicated that the information would be requested from the AirMed Care Network so that it would be available.

VI. Old Business:

None

VII. New Business:

A. To Consider Approval of the AirMedCare Network Contract Renewal

Councilmember Connelly stated that in 2018 the AirMedCare Network stopped offering the Business Plan. However, those with an active Business/Municipal Site membership plan are grandfathered in with the option of renewing. This plan was no longer offered to business subscribers due to the continued decline in insurance rate reimbursement. The Municipal Site membership provides air medical transport services originating out of Charleston County for Kiawah Island residents who have medical insurance or billed separately by Medicare.

Councilmember Connelly recommended the approval of the AirMedCare Municipal Site Plan Membership be renewed for another year at the same cost of \$8,163.00 annually.

Mayor Pro Tem Widuch made a motion to approve the AirMedCare Network Contract Renewal at the cost of \$8,163.00. The motion was seconded by Councilmember Said.

Councilmember Prickett questioned how many times the services had been used. Councilmember Connelly indicated that during the contract period, to the Town's knowledge, those individuals airlifted to the hospital were not Town residents.

Following further discussion, the motion to approve the AirMedCare Network Contract Renewal was unanimously passed.

B. Discussion of the Town's Current Noise Ordinance

Mayor Weaver indicated the discussion of the Town's current noise ordinance began at the strategic retreat and continues to get feedback from members on if they would like to have staff move forward to bring Council a specific recommendation on the amendment of the ordinance.

Mayor Weaver gave background on the Town's long-standing current noise ordinance, indicating that there was not a suggestion or recommendation for a new ordinance. While noise issues are usually dealt with without tickets, any violations are handled by deputies or by security from the Community Association, who also has a noise ordinance in place.

Mayor Weaver indicated that over the past year an issue has arisen calling into question the language in the current ordinance which states, *"In addition, sound that is audible beyond the real property boundaries of the dwelling unit where sound emanates is prohibited between the hours of 11:00 p.m. and 7:00 a.m. daily"*. He stated that the all or nothing policy the ordinance implies that if any noise disseminates across property lines, it is a violation.

Mayor Weaver indicated that a current situation involved facility equipment at the Timbers, which initially made a significant amount of noise and was constantly running. The concern expressed by residents in the adjoining properties resulted in involvement from the Town, Community Association, and the ARB(Architectural Review Board). Timbers addressed the matter by working with sound consultants making several changes to their situation to bring the sound level down. Despite the improvements, from the standpoint of the residents in the adjoining properties, the Town's ordinance indicates that no sound can be audible, the noise continues to be a violation, and the Town is not enforcing its ordinance.

Mayor Weaver explained there is not a ration way for the Town to take the position that any sound that emanated across property lines is a violation, making the current ordinance virtually unenforceable. Discussion with the Town Attorney and research of other municipalities' practices showed the use of some objective sound measure in decibels. He discussed the presented draft of potential changes to the current noise ordinance language. Changes include the use of decibels as a placeholder and, should Council have a desire to have staff conduct additional research, a combination of input from the Town's Building Services, Attorney, and Planning Group would provide a recommendation and better understanding of potential changes.

Councilmember Connelly discussed the importance of having an enforceable ordinance to handle complaints objectively, realistic measurement of decibels with the use of apps, the suggestion to extend the quiet time from 7 am to 8 am to limit the noise created by the use of large equipment like jackhammers.

Mayor Pro Tem Widuch pointed out the only two choices were to continue with an ordinance that is unenforceable or to craft a new ordinance despite the potential difficulty that may be involved.

Mr. Wilson attested the language he drafted is automatic, unique, and follows the trend on noise ordinances to move away from the subjective, like unreasonable noise, and towards the objective measures. He also addressed the measurement of decibels, indicating the use of an actual resource would fall to code enforcement rather than law enforcement.

- actuals.
- ✓ State Accommodation Tax revenue is projected at 2%, or approximately \$20K increase based on the steady growth of the tourists visiting the island.
 - ✓ Local Accommodation Tax revenue shows 3%, or approximately \$30K increase based on the steady growth of the tourists visiting the island.
 - ✓ County Accommodation Tax revenue is projected with no change
 - ✓ Hospitality Tax revenue is estimated to grow 2% or \$12K compared to current year projections.
 - ✓ Solid Waste revenue is estimated at 1% or \$5K increase compared to current year projections.
 - ✓ Interest Revenue shows 3%, or \$10K decrease, attributable to funding KI Parkway project from the reserves and falling interest rates.
 - ✓ Other revenues include the following sources:
 1. Aid to Subdivision - \$35K, no change compared to current year projections.
 2. Planning Fees - \$10K, no change compared to current year projections.
 3. Court Fees & Fines - \$25K, 67%, or \$10K increase attributable to hiring additional Code Enforcement resources for STR properties.
 4. Beverage Permits revenue - \$45K, no change compared to current year projections.
 5. Victim's Assistance Fees - \$10K, no change compared to current year projections.
 6. Miscellaneous revenue - \$35K, no change compared to current year projections.

VIII. Town Administrator's Report:

Ms. Tillerson offered additional information to Ms. Kulick's earlier comment on AirMedCare Network. She stated that the full-coverage upgrade allows any Kiawah resident to participate or upgrade to a membership that will give them coverage outside of Charleston County for an additional \$35.00 annual fee.

IX. Council Member:

- a. Committee Updates
- b. General Comments

Mayor Pro Tem Widuch reported that HR&A in the past two weeks and met with the core team, and the lead consultant will be back on Monday and Tuesday of next week. The emphasis will be on meetings with most of the realtors, and he will also be meeting with resident focus groups. Future visits during the data collection process will include meetings with the public at large.

Councilmember Said stated the over-communication of the status of the Parkway during the project is a good idea. With many residents and stakeholders not signed up of Town Notes or not receiving or reading the e-Blasts, he suggested that the occasional possibility of the disruption of traffic commutations should be placed on some of the island's well-read list serves. He indicated he felt there would be a better chance of actually getting read and preventing the "there was a lane closure, no one ever told me about it." Ms. Tillerson responded that Ms. Edgerton has an extensive distribution list, which includes the communication personnel of the island entities, groups, and Seabrook requesting that they forward the Parkway alerts in their communication groups or media.

X. Citizens' Comments:

Wendy Kulick – 38 Marsh Edge Lane

Ms. Kulick indicated that generally, the Town is very proactive in communicating important information to property owners and those who may be impacted. She noted that as part of emergency planning, from time to time, the Town participates in tabletop exercises for different scenarios. She asked if any of the exercises addressed any type of pandemic or spreading of illnesses, noting that many Kiawah residents do a significant amount of traveling.

Mayor Weaver indicated a concise discussion of the topic had recently taken place, and it was concluded that the Town has an Emergency Action Plan, which provides a framework and structure for use in many emergencies. The plan would be used as the umbrella approach since it provides the mechanism to ensure all the entities required in an emergency would be thinking in unison on community actions. In contrast, the decisions requiring subject matter expertise on would most likely be driven on a State and Federal level.

XI. Executive Session:

None

XII. Adjournment:

Councilmember Connelly motioned to adjourn the meeting at 3:02 pm. The motion was seconded and carried unanimously.

~~Submitted by,~~



Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor

4-8-2020

Date