



# Town of *Kiawah Island*

## TOWN COUNCIL MEETING Municipal Center Council Chambers November 3, 2020; 2:00 PM

### Mayor

Craig E. Weaver

### Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

### Town Administrator

Stephanie Monroe Tillerson

### AGENDA

- I. Call to Order:
- II. Approval of Minutes:
  - A. Minutes of the Town Council Workshop of October 6, 2020 [Tab 1]
  - B. Minutes of the Town Council Meeting of October 6, 2020 [Tab 2]
- III. Mayor's Update:
- IV. Citizens' Comments (Agenda Items Only):
- V. Presentations:
  - A. Fiscal Year 2019/2020 Audit Presentation – Mauldin & Jenkins
  - B. Update on the Groundwater Table and Marsh Vulnerability Studies - Lee Bundrick, Kiawah Conservancy
- VI. Old Business:

None
- VII. New Business:
  - A. To Consider Approval of **Ordinance 2020-12** - An Ordinance to Amend the Fiscal Year 2020-2021 Budget for The Town of Kiawah Island, South Carolina (7/1/20 Through 6/30/21) - **Public Hearing and First Reading** [Tab 3]
  - B. To Consider Approval of **Ordinance 2020-13** - An Ordinance to Set the Salaries for the Mayor and Council Members of The Town of Kiawah Island - **First Reading** [Tab 4]
  - C. To Consider Approval of **Resolution 2020-05** - A Resolution to Set the Salary for The Judge of The Municipal Court of The Town of Kiawah Island [Tab 5]
  - D. To Consider Approval of the 2021 Charleston County Off-Duty Deputy Contract [Tab 6]
  - E. To Consider Approval of the Amendment to the Island Beach Services Code Enforcement Services Contract [Tab 7]
  - F. To Consider Approval of the **Third Amendment** to the 2013 Amended and Restated Development Agreement by and Between Kiawah Resort Associates and Town of Kiawah Island affecting Parcel 13B Lot1 [Tab 8]
  - G. Discussion of the Municipal Code Section 15-209, Fireworks and Explosives [Tab 9]
- VIII. Town Administrator's Report:
- IX. Council Member:
  - a. Committee Updates
  - b. General Comments
- X. Citizens' Comments:
- XI. Adjournment:



Tab | **1**

**TOWN COUNCIL**

**Agenda Item**

# TOWN COUNCIL WORKSHOP

Municipal Center Council Chambers

October 6, 2020; 1:30 PM

## MINUTES

### **I. Call to Order: Mayor Weaver called the meeting to order at 1:30 pm.**

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

**Also Present:** Stephanie Tillerson, *Town Administrator*  
Joe Wilson, *Town Attorney*  
John Taylor, *Planning Director*  
Petra Reynolds, *Town Clerk*  
Mark Permar, *Kiawah Partners*

### **II. New Business:**

- A.** Discussion of a proposed amendment to the 2013 Amended and Restated Development Agreement impacting future development of Parcel 13, Beachwalker Ocean – Lot 1 [TMS 207-05-00-118]

Mayor Weaver stated the purpose of the meeting was to understand the plans that Kiawah Partners have for the remaining undeveloped portion of Parcel 13 and the pending request to modify the Development Agreement between the Town and the Partners to allow a change in the maximum number of units per building. As a workshop, an open discussion will also provide information on the proposal to residents prior to any action being taken at a future Town Council meeting.

Mr. Taylor provided a summary of the request by stating that Parcel 13 is zoned R-3/Commercial with a residential density at twelve dwelling units (DU) per acre and highlighted the Community Association's agreement to establish restrictive future development patterns and access for the area.

Mr. Permar began by stating that the request being introduced is for a proposed text amendment to the current Development Agreement between the Town and the Partners. He presented a plat of Parcel 13 depicting a total of three lots and extended right-of-way with an entitlement of 234 dwelling units, zoned R3/Commercial. The allocation of 84 dwelling units for Lot 2 and 21 dwelling units for Lot 3, allowing for an additional 129 dwelling units in Lot 1. He noted an access agreement with the Community Association limited the number of dwelling units having access to Duneside Road from portions of Lot 1 and Lot 2.

Mr. Permar indicated the request is asking to increase the number of dwelling units per building to decrease the number of buildings, thereby increasing the amount of open space and reducing the buildings' height from four to three stories in the areas closest to the Duneside development. In the development of Lot 1, the request is for two of the multi-family buildings having 14 dwelling units, two buildings having ten units with the remainder having eight units. The presentation included a conceptual drawing of a possible configuration of the building in Lot 1.

Councilmembers engaged in a discussion that included presenting the proposed request to surrounding neighborhoods, feedback obtained from the presentation, and concerns on the potential impact of the development of Parcel 13 on the infrastructure along Beachwalker Drive.

The formal request is anticipated to be presented for consideration at the November Town Council meeting.

**III. Adjournment:**

*Mayor Weaver adjourned the workshop at 2:02 pm.*

Submitted by,

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Petra S. Reynolds, Town Clerk

Approved by,

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Craig E. Weaver, Mayor

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Date



Tab | 2

**TOWN COUNCIL**

**Agenda Item**

**TOWN COUNCIL MEETING**  
**Municipal Center Council Chambers**  
**October 6, 2020; 2:00 PM**

**MINUTES**

**I. Call to Order: Mayor Weaver called the meeting to order at 2:03 pm.**

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

**Also Present:** Stephanie Tillerson, Town Administrator  
Joe Wilson, Town Attorney  
Stephanie Braswell Edgerton, Town Communications Manager  
Jim Jordan, Town Biologist  
Bruce Spicher, Community Services Director  
Petra Reynolds, Town Clerk  
Christie Varnado, Seibels Law Firm  
Lauren Rust, Lowcountry Marine Mammal Network

**II. Approval of Minutes:**

**A.** Minutes of the Special Call Town Council Meeting of August 26, 2020

*Mayor Pro Tem Widuch made a motion to approve the minutes of the August 4, 2020 Town Council Meeting. Councilmember Connelly seconded the motion, and the minutes were unanimously approved.*

**B.** Minutes of the Town Council Meeting of September 1, 2020

*Mayor Pro Tem Widuch made a motion to approve the minutes of the August 4, 2020 Town Council Meeting. Councilmember Said seconded the motion, and the minutes were unanimously approved.*

**III. Mayor's Update:**

Mayor Weaver gave an update on :

- The filing period for candidates in the Municipal Election closed on October 2<sup>nd</sup>. With two candidates for Mayor; Klaus Said and John Labriola. Two candidates for the four-year term seats; Scott Parker and John Moffitt. Three candidates for the two-year term seats; Maryanne Connelly, Dan Prickett, and John Ross. Candidate information and bios will be provided in Town Notes with the possibility of the Community Association hosting a "Candidate's Night" virtually.
- Judge Strauch, the Town's Municipal Court Judge, has made known his intention not to seek reappointment at the end of his term in March 2021. The selection process will be outlined as part of the Town Administrator's Report. Mayor Weaver thanked the Judge for the tremendous job done during his service.
- Mr. Bill Thomae has requested to be reappointed to an additional four-year term as one of three commissioners representing Kiawah on the St. John's Fire Commission. The Town has expressed support for his reappointment to Charleston County Council for recommendation to the Governor.
- Working in conjunction with CVS, the Town will be hosting a Flu Clinic at Town Hall on October 23<sup>rd</sup>.

- The informal group working on the adaptive management elements of sea-level rise has created a survey for resident and non-resident property owners. The completed survey was reviewed and accepted by the Council and the KICA Board for release this week.
- The public comment period for the Main Road Corridor, Segment C project alternatives, will be opening virtually on October 12<sup>th</sup> at 5:00 am. Segment C extends from the Corner of Bohicket Road and Maybank Highway to River Road and Betsy Kerrison Road. Segment A of the project has been underway, narrowing alternatives with Segment B of the project on hold. With the importance of Segment C to the island, he expressed the need for a strong community and Council involvement.

#### IV. Citizens' Comments (Agenda Items Only):

None

#### V. Presentations:

##### A. Dolphin Strand Feeding – Lowcountry Marine Mammal Network - Lauren Rust

Mayor Weaver stated that during the budget process, the Dolphin Strand Feeding project's funding was cut. With a budget review upcoming, resident volunteer support for the project has encouraged reconsidering the project's funding.

Ms. Rust gave a PowerPoint presentation on the Dolphin Strand Feeding education program designed to provide education to the general public while encouraging onlookers to view dolphins responsibly, therefore preserving the rare strand feeding behavior. She highlighted the program's objectives are to have volunteers engage beach visitors to educate them about the feeding and harassing dolphins and the collection of weather, visitor, and dolphin data. She reviewed the data collected on volunteer educators' interaction with the public in the current year and noted the increase over the previous year.

Ms. Rust indicated there are 350 resident dolphins in Charleston, pointing out that they live in a small home range, with Estuarine dolphins staying in rivers year-round. Dolphins care for their young for up to six years, and strand feeding is a unique learned behavior passed from mom to calf. The study identified eleven dolphins that stand feed on Captian Sam's Spit with five to seven that are seen feeding daily.

#### VI. Old Business:

##### A. To Consider Approval of **Ordinance 2020-10** - An Ordinance for the Town of Kiawah Island, South Carolina the Purposes for Which are to Amend Article 14 -General Regulations, Chapter 1 – Flood Damage Prevention, Section 14-114 – Basis for Establishing the Areas of Special Flood Hazard, Section 14-115 - Definitions and Section 14-173 – **Second and Final Reading**

Mayor Weaver stated the ordinance, approved on first reading at the last Town Council meeting, will incorporate the newly adopted FEMA flood map, which will be effective January 29, 2021..

**Councilmember Said made a motion to approve the second and final reading of Ordinance 2020-10 to Amend Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Section 14-114 – Basis for Establishing the Areas of Special Flood Hazard, Section 14-115 - Definitions and Section 14-173. Mayor Pro Tem Widuch seconded the motion, and was unanimously passed.**

##### B. To Consider Approval of **Ordinance 2020-11** - An Ordinance to Amend Article 15 - General Offenses, Chapter 2 - Offenses Against Public Peace, Section 15-212 -Littering – **Second and Final Reading**

Mayor Weaver stated the ordinance, approved on first reading at the last Town Council meeting, would make definitional and enforcement changes to deal with the growing long-term issue with trash thrown on the ground at the Sora Rail waste disposal facility.

***Mayor Pro Tem Widuch made a motion to approve the first reading of Ordinance 2020-11 to amend Article 15 - General Offenses, Chapter 2 - Offenses Against Public Peace, Section 15-212 -Littering. The motion was seconded by Councilmember Connelly and was unanimously passed.***

## **VII. New Business:**

**A.** To Consider Amending and Approving of **Ordinance 2020-09.1**– An Ordinance for the Town of Kiawah Island, South Carolina Regarding Face Coverings, Restrictions on Restaurants, Establishments that Possess a State Permit to Sell Alcohol, other Businesses and Facilities, and Essential Businesses

Mayor Weaver gave a brief history of the previous emergency ordinances passed by the Town requiring face coverings, occupancy levels, and incorporating all of the existing Governor's emergency orders. Emergency orders, when passed, expire after 60 days. The current emergency Ordinance would expire before the next Council meeting, and the intention was to extend the current ordinance. With the past week, the Governor modified his emergency orders requiring consideration on which of those changes should be incorporated.

Mr. Wilson indicated the Governor's new order's greatest change was in the regulations governing restaurants by eliminating the 50% occupancy limit. The order also defined areas that explicitly give any municipality the ability to adopt fair and reasonable limitations of their own.

1. Impose face coverings
2. Adopt regulations governing restaurants over and above current requirements
3. Beach access and parking

Mr. Wilson indicated that the restaurant requirement for face coverings to be worn by customers and employees and the limitation on alcohol consumption after 11 pm are still in place, but a majority of the list has changed from requirements to recommendations.

Councilmember engaged in an in-depth discussion of the current emergency ordinance agreeing to incorporate the Governor's new order and to amend the following:

- Reimpose the mandatory requirement for face coverings
- Reimpose the mandatory occupancy restraints on essential businesses
- Reimpose the current mandatory 50% occupancy limit on restaurants
- Reimpose more clearly worded mandatory six-foot social distancing requirement between diners and seating no more than eight diners at a table unless with the same family
- Reimpose the mandatory restriction to not allow congregation at a bar and the limitation on alcohol consumption after 11 pm
- Modify the expiration date of the ordinance to December 5, 2020

***Councilmember Prickett made a motion to amend the current Ordinance 2020-09 by adopting Ordinance 2020-09.1 as amended. Councilmember Said seconded the motion.***

**Mr. Wilson read into the record the amendments to Ordinance 2020-09.1:  
Section 7 – to read**

***In addition, pursuant to the authority granted by the Governor's Executive Order No. 2020-63, Section 3(F), the Town also requires that restaurants comply with the following mandatory restrictions:***

- A. Diners must be seated six (6) feet away from diners at other tables;***
- B. Restaurants must seat no more than 8 customers per table unless from the same family; and***
- C. Restaurants must not allow standing or congregating in the bar area of restaurant.***



## **Section 10 – Eliminate in its entirety**

***Following the discussion, the motion was unanimously passed.***

- B.** To Consider Approval of **Resolution 2020-04** – A resolution to Protect and Preserve Kiawah's Environment and Wildlife

Ms. Braswell-Edgerton presented the new bobcat public awareness video that was a project between the Communications Department and Mr. Jordan and will be released as part of **Save Kiawah Bobcats Week**.

Mr. Jordan stated the presented resolution and proclamation are intended for Council and the Town to formally take a position on the issue of the lethal effects of anticoagulant rodenticides. Along with the Bobcat Guardian program initiated by the Town, the resolution and proclamation provided another opportunity to communicate the issue to the public.

Councilmembers discussion included the pest control companies' participation to voluntarily suspend the use of anticoagulant rodenticides, the challenge of keeping the anticoagulant issue at the forefront, the importance of support from the pest control industry in providing a long term solution, and the political support for a regulatory solution.

***Councilmember Connelly made a motion to approve Resolution 2020-04. Councilmember Said seconded the motion.***

***Following additional discussion, the motion was unanimously passed.***

- C.** To Consider Approval of the **Save Kiawah Bobcats Week Proclamation**

Mayor Weaver read the proclamation to make October 11 to October 17, 2020, as **Save Kiawah Bobcats Week**.

- D.** Discussion of Deer Culling and Communication Plans

Mr. Jordan stated the decision was made in April to reduce the growing deer population by removing one hundred deer during the fall and winter. He indicated that the necessary permits and tags would be obtained this month, with the firearms obtainable in early December. The project is weather dependent, so it is anticipated to begin in mid-December or early January and should take approximately two weeks.

Mr. Jordan reviewed the protocols and methods by stating the project will focus on adult female deer, culling be done by Town Staff. Work will take place in the evening before dark in predetermined locations from tree stands and wooded lots that have been baited. Once harvesting is complete, the deer will be discreetly transported to the processor for donation.

Ms. Braswell-Edgerton stated that the deer harvesting project's communication began in April, along with an article published in Town Notes. Her recommendation was to communicate general locations and times when available to alert possible activity.

- E.** Discussion of State Accommodations TAX Promotion Fund

Ms. Braswell-Edgerton presented exploratory options to use the 30% promotional revenue derived from the State Accommodation Taxes. She reviewed the allocation of the revenues, the law

governing the funds' use, and a history of the funds distributed to the Charleston Area Convention and Visitor's Bureau over the past ten years.

Ms. Braswell-Edgerton stated that partnering with the Municipal Association of SC; a voluntary survey was created to research the funds' expenditure in other jurisdictions. She reviewed the detailed information on options for consideration that included creating a 501(c)(3) Direct Marketing Organization, two internal options utilizing the existing SATAX Committee, an internal option for the Town to create a tourism bureau or department, and an internal option of creating a tourism committee that would follow the SATAX membership structure.

Ms. Braswell-Edgerton recommended, as the most logical, the creation of a tourism committee making the comparison to the existing Arts and Cultural Events Council. She provided details on creating the committee, committee membership recommendation, and an example of fund distribution.

Councilmember discussed the presented options and agreed to endorse the Town Administrator and Staff to lay the groundwork to establish the entity, manpower, and structure for implementation.

~~**F. Executive Session** to obtain legal advice on the procedure to be followed for the Suspension and Proposed Revocation of Business License Hearing and any other related legal issues **If Necessary**~~

**G.** Hearing on the Suspension and Proposed Revocation of Business License Number SBL 19-012492 Held by Toby Tyler Home Builders for Repeatedly Engaging in Unlawful Business Activities in the Town without Proper Permits or Licenses.

Mr. Wilson reviewed the process that requires the license holder to be given notice of a hearing, the opportunity to be heard, and a decision in writing. He noted that the license holder was notified and was not present at this hearing. He also introduced Ms. Varnado, Seibels Law Firm, who was hired to represent Town Staff in the hearing.

Mr. Spicer presented evidence for revoking Toby Tyler Home Builders' business license and its owner Toby Tyler based on the non-compliance issues listed in the letter provided. He gave a brief history of dealings with Toby Tyler Home Builders since 2013, which have included failure to obtain a business license and failure to obtain the proper permitting from not only the Town but other island entities. Continued violations for non-compliance issues were escalated to summons tickets and monitoring for further compliance violations. While there have not been any complaints about the quality of work, Mr. Tyler does not conform to regulations, as shown and explained with the presented photographs of Exhibit 3.

Councilmembers asked questions to clarify contractor qualifications, the basis for taking action, enforcement of revocation, impact on current projects, and recourse actions.

For the record, Mrs. Varnado verified with Mr. Spicer that the notification letter was sent and received by Mr. Tyler. She also clarified that Exhibit 1 is a copy of the letter sent to Mr. Tyler, Exhibit 2 copies of the summons tickets issued, and Exhibit 3 are photographs discussed on the record.

**Mayor Pro Tem Widuch proposed that the Council finds cause to revoke Toby Tyler Home Builders' business license.**

Councilmember Prickett and Councilmember Said expressed support for the proposal.

**A vote unanimously approved the proposal. Councilmember Connelly was absent and did not vote.**

Councilmembers engaged in deliberation if there will be an opportunity for Toby Tyler Home Builders to seek and be awarded a new business license, if so what time frame or if the revocation is permanent.

***Councilmember Prickett proposed that Toby Tyler Home Builders cannot reapply for a new business license in the Town of Kiawah for a period of three years from the date of the revocation of his current business license.***

Mayor Pro Tem Widuch and Councilmember Said expressed support for the proposal.

***A vote unanimously approved the proposal. Councilmember Connelly was absent and did not vote.***

Mr. Wilson asked if the Council agreed to allow Toby Tyler Home Builders to complete the job that is currently in progress and that staff prepares a list to be incorporated in the written decision. Councilmember agreed with the condition that the property owner is notified in writing of the revocation of the business license and that all necessary inspections are required to be performed.

~~H. **Executive Session** – to obtain legal advice on the procedure to be followed for the Suspension and Proposed Revocation of Business License Hearing and any other related legal issues – If Necessary~~

#### **VIII. Town Administrator's Report:**

Ms. Tillerson stated the Municipal Judge opening would be advertised in the next eBlast. She indicated the State of South Carolina does not require that the Municipal Judge be a lawyer and does not require that the Municipal Judge be a resident of the municipality. Information on the requirements and timeline for submitting letters of interest will be included in the advertisement.

Ms. Szubert indicated the State Senate recently passed a new ordinance that standardizes business licenses among all jurisdictions in the state. The goal was to streamline the process for businesses in several jurisdictions with different expiration dates. The new ordinance will become effective January 1, 2022, and will run from May 1<sup>st</sup> to April 30<sup>th</sup>. Currently, a business license runs on a calendar year; the 2021 renewals will be billed for 16 months to expire on April 30, 2022, with late fees starting on May 1, 2022. She also reviewed some of the other changes in the ordinance, including a portal through the State where a business can apply for a license in any jurisdiction with the State remitting the jurisdiction's fees.

Mr. Gottschalk gave an update on the Parkway paving project stating that the issue with standing water at the ingress to the Andell tract will be milled and repaved. The bike path in the same area has been found to be graded stronger in some areas than tolerance allows. The Contractor will smooth out and correct the grading in those areas. He also indicated that an additional buffer to provide better separation from the turn lane roadway would be installed as part of the landscaping project.

Mr. Gottschalk stated that a walkthrough of the Parkway with the landscape contractor, Artigues, and the landscape architect, Outdoor Spatial Design, to layout the areas that will require demolition and significant irrigation work. The landscape contractor anticipates that the project will be completed in December.

#### **IX. Council Member:**

- a. Committee Updates
- b. General Comments

Councilmember Prickett reported the Arts Board and Council, which met earlier this week, decided that all the events in January will be canceled. Every month, a determination will be made on the events scheduled three months in advance.

**X. Citizens' Comments:**

None

**XI. Adjournment:**

*Mayor Pro Tem Widuch motioned to adjourn the meeting at 6:02 pm. The motion was seconded by Councilmember Said and carried unanimously.*

Submitted by,

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Petra S. Reynolds, Town Clerk

Approved by,

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Craig E. Weaver, Mayor

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Date



Tab | 3

**TOWN COUNCIL**

**Agenda Item**

## **Proposed Changes for Mid-Year FY21 Budget Review**

**These are items for re-consideration that was discussed during the regular budget workshop meetings.**

**1. Personnel Cost:**

Optional Deferred Compensation Match Program - 401(k) or 457(b)

- Currently, the Town contributes 50% of eligible (after 1 year of employment) employee's contribution to 401(k) plan up to \$3,000.
- Current cost to the Town (for FY2020) was \$19,256.
- Proposed change:
  - Increase the Town contribution from 50% to 100%. This change would result in approximately \$20K increase in the Town's cost.

**2. Website Redesign** - An estimate for the Town's website redesign \$100k.

**3. Environmental Projects** - total of \$16,400:

- Dolphin Stewardship Program – Collect data on dolphin behavior at Captains Sam's inlet and educate beachgoers about proper dolphin viewing etiquette. (\$4,400)
- Shorebird Stewardship Program – Volunteers educate beachgoers regarding nesting and migratory shorebirds. Provide equipment and T shirts (\$1,000)
- Bluebird Box Program – Volunteers build, maintain, and monitor more than 200 nesting boxes on the island. Materials and equipment (\$1,000)
- Bobcat SGA Research and Outreach – Provide funding for videos and other educational materials as well as SGA lab tests (\$10,000)

**These are new items for consideration.**

**4. Portable Radios**

12 portable radios; 2 radios for the Town's staff for \$5,079 and 10 for the Beach Patrol in the amount of \$54,220 to replace current older version radios. Total cost after programming fees and taxes is \$66,544

**5. Air Purification System**

It is an air scrubber system to help remove airborne viruses. The total cost of the project is \$15,985.

**Town of Kiawah Island**

**ORDINANCE 2020-12**

**AN ORDINANCE TO AMEND THE FISCAL YEAR 2020-2021 BUDGET FOR THE  
TOWN OF KIAWAH ISLAND, SOUTH CAROLINA  
(7/1/20 THROUGH 6/30/21)**

**WHEREAS**, the Town of Kiawah Island adopted Ordinance 2020-05 on June 9, 2020, in accordance with Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended; and

**WHEREAS**, Ordinance 2020-05 established the 2020-2021 Fiscal Year Budget (FY 20-21 Budget) so as to guide and direct the Town's receipt and expenditure of revenues during this time period; and

**WHEREAS**, certain adjustments in expenditures now necessitate amendments to the FY 20-21 Budget; and

**WHEREAS**, the Town of Kiawah Island held a public hearing on the 3<sup>rd</sup> day of November 2020 as required by state law.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.**

**Section 1.     Purpose.**

This Ordinance is adopted to amend the Town of Kiawah Island's FY 20-21 Budget with respect to the General Fund, County and Local Accommodation Tax Fund was established in Ordinance 2020-05.

**Section 2.     Amendment of the Fiscal Year 2020-2021 Budget for the Town of Kiawah Island, South Carolina.**

By passage of this Ordinance, the Town of Kiawah Island amends its FY 20-21 Budget with respect to General Fund expenditures, County Accommodation Tax and Local Accommodation Tax Fund, as established in Ordinance 2020-05 in the manner set forth in "Exhibit A Pages 1-2," incorporated fully herein by reference, said amendments are subject to all terms and restrictions set forth in the Kiawah Island Municipal Code.

**Section 3.     Severability.**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such part had not been included. If said Ordinance, or any provision thereof, is held to be inapplicable to any person, group of

persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

**Section 4.     Effective Date and Duration.**

This Ordinance shall be effective upon its enactment by the Town Council for the Town of Kiawah Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2020.**

\_\_\_\_\_  
Mayor Craig Weaver

\_\_\_\_\_  
Petra Reynolds, Town Clerk

First Reading: November 3, 2020

Public Hearing: November 3, 2020

Second Reading:



**Town of Kiawah Island**  
Proposed Budget Amendment to FY2021  
All Funds Consolidated  
Cash Basis

**EXHIBIT "A"**

	<b>Approved Budget FY2021</b>	<b>Proposed Amendment</b>	<b>Change</b>
<b>Revenues:</b>			
Building Permits	664,493	\$ 664,493	\$ -
Building Permits/Special Projects	-	-	-
Business Licenses	2,267,184	2,267,184	-
Franchisee Fees	856,184	856,184	-
Local Option tax	472,073	602,567	130,494
State ATAX	1,356,025	1,688,275	332,250
Local ATAX	734,510	858,938	124,428
County ATAX	-	-	-
Hospitality Tax	411,357	457,985	46,628
Solid Waste Fees	600,000	600,000	-
Interest	312,500	140,000	(172,500)
Other	160,000	160,000	-
<b>Total Revenue</b>	<b>7,834,325</b>	<b>8,295,626</b>	<b>461,301</b>
<b>Expenses:</b>			
Salaries	1,273,140	1,273,140	-
Overtime	3,500	3,500	-
Benefits	380,376	400,376	(20,000)
Payroll Tax	125,543	125,543	-
<b>Employee Subtotal</b>	<b>1,782,559</b>	<b>1,802,559</b>	<b>(20,000)</b>
Public Safety/Payroll and Related Cost/ Off Duty	439,014	439,014	-
Public Safety/CCSO Contract	345,880	345,880	-
STR Code Enforcement	288,580	288,580	-
Utilities & Supplies	265,343	265,343	-
Advertising	4,500	4,500	-
Communications	51,820	51,820	-
Waste Management	1,034,080	1,034,080	-
Insurance	140,556	140,556	-
Professional Services	111,000	111,000	-
Consultants	61,500	161,500	(100,000)
Maintenance	453,160	469,145	(15,985)
Travel & Training	53,300	53,300	-
Rentals	41,000	41,000	-
Tourism & Recreations	1,507,172	1,523,572	(16,400)
Contributions	150,000	150,000	-
Other	246,945	246,945	-
Capital Outlay:			
Infrastructure and Landscaping	500,000	500,000	-
Vehicles	-	-	-
Other	-	66,544	(66,544)
Debt Service	357,916	357,916	-
<b>Total Expenses</b>	<b>7,834,325</b>	<b>8,053,254</b>	<b>(218,929)</b>
<b><u>Net Changes in Fund Balance</u></b>			<b><u>242,372</u></b>

TOWN OF KIAWAH ISLAND  
BUDGET AMENDMENT PROPOSAL FOR YEAR ENDED 6/30/21  
ALL FUNDS

2020-2021 Budget										
	General Fund Budget	State Accom Tax Fund Budget	County Accom Tax Fund Budget	Local Accom Tax Fund Budget	Beverage Tax Fund Budget	Hospitality Tax Fund Budget	Victims Assist Fund Budget	Arts and Cultural Events	Capital Fund Budget	Total Funds Budget
<b>Revenues &amp; Other Sources :</b>										
Accommodations Tax	\$ 110,920	\$ 1,577,355	\$ -	\$ 858,938	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,547,213
Hospitality Tax	-	-	-	-	-	457,985	-	-	-	457,985
Aid to subdivisions	35,000	-	-	-	-	-	-	-	-	35,000
Zoning Permits	10,000	-	-	-	-	-	-	-	-	10,000
Business License Revenue	2,267,184	-	-	-	-	-	-	-	-	2,267,184
Building Permits	664,493	-	-	-	-	-	-	-	-	664,493
Building Permits/Special Projects	-	-	-	-	-	-	-	-	-	-
Local Option Sales Tax	602,567	-	-	-	-	-	-	-	-	602,567
Franchise Fee - Electric	416,184	-	-	-	-	-	-	-	-	416,184
Franchise Fee -Beach	300,000	-	-	-	-	-	-	-	-	300,000
Franchise Fee - Other	140,000	-	-	-	-	-	-	-	-	140,000
Fines & Forfeitures	25,000	-	-	-	-	-	10,000	-	-	35,000
Interest Revenue	50,000	10,000	10,000	30,000	-	25,000	-	-	15,000	140,000
Solid Waste Collections	600,000	-	-	-	-	-	-	-	-	600,000
Beverage Tax / Permits	-	-	-	-	45,000	-	-	-	-	45,000
Miscellaneous Revenue	35,000	-	-	-	-	-	-	-	-	35,000
Transfers In	-	-	-	-	-	-	-	243,795	866,263	1,110,058
<b>Total Revenues &amp; Other Sources</b>	<b>5,256,348</b>	<b>1,587,355</b>	<b>10,000</b>	<b>888,938</b>	<b>45,000</b>	<b>482,985</b>	<b>10,000</b>	<b>243,795</b>	<b>881,263</b>	<b>9,405,684</b>
<b>Expenditures &amp; Uses :</b>										
Salary and Benefits/Regular Employees	1,581,778	-	-	138,386	-	-	-	82,395	-	1,802,559
Salary and Benefits/Deputies	57,014	191,000	-	191,000	-	-	-	-	-	439,014
Public Safety/CCSO Contract	47,837	-	-	298,043	-	-	-	-	-	345,880
STR Code Enforcement	288,580	-	-	-	-	-	-	-	-	288,580
Utilities & Supplies	211,305	-	40,000	2,500	-	91,750	-	3,000	-	348,555
Advertising	4,500	-	-	-	-	-	-	-	-	4,500
Communication	51,820	-	-	-	-	-	-	-	-	51,820
Waste Management	949,200	-	30,000	54,880	-	-	-	-	-	1,034,080
Printing	38,750	-	-	-	-	-	-	-	-	38,750
Professional Services	111,000	-	-	-	-	-	-	-	-	111,000
Consulting	161,500	-	-	-	-	-	-	-	-	161,500
Maintenance	284,495	-	26,900	6,750	-	151,000	-	-	-	469,145
Insurance	140,556	-	-	-	-	-	-	-	-	140,556
Travel & Training	53,300	-	-	-	-	-	-	-	-	53,300
Rentals	41,000	-	-	-	-	-	-	-	-	41,000
Tourism Related Cost	-	920,307	440,865	7,000	-	-	-	155,400	-	1,523,572
Contributions	150,000	-	-	-	-	-	-	-	-	150,000
Capital Outlay	59,000	-	-	208,333	-	216,000	-	-	-	483,333
Other	175,195	-	-	-	-	-	10,000	3,000	-	188,195
Contingency	20,000	-	-	-	-	-	-	-	-	20,000
Debt Service	-	-	-	-	-	-	-	-	357,916	357,916
Transfers Out	403,256	-	-	482,139	50,000	174,663	-	-	-	1,110,058
<b>Total Expenditures &amp; Uses</b>	<b>4,830,086</b>	<b>1,111,307</b>	<b>537,765</b>	<b>1,389,031</b>	<b>50,000</b>	<b>633,413</b>	<b>10,000</b>	<b>243,795</b>	<b>357,916</b>	<b>9,163,313</b>
<b>Change in Fund Balance</b>	<b>426,263</b>	<b>476,048</b>	<b>(527,765)</b>	<b>(500,093)</b>	<b>(5,000)</b>	<b>(150,428)</b>	<b>-</b>	<b>(0)</b>	<b>523,347</b>	<b>242,371</b>
Fund Balance Beginning of Year	11,737,538	213,708	1,302,358	1,133,807	23,974	1,185,538	21,150	-	4,907,385	20,525,458
<b>Fund Balance End of Year</b>	<b>\$ 12,163,801</b>	<b>\$ 689,756</b>	<b>\$ 774,593</b>	<b>\$ 633,714</b>	<b>\$ 18,974</b>	<b>\$ 1,035,110</b>	<b>\$ 21,150</b>	<b>\$ (0)</b>	<b>\$ 5,430,732</b>	<b>\$ 20,767,829</b>



# Request for Town Council Action

TO: Mayor and Members of Town Council

FROM: Brian Gottshalk, Public Works Manager

SUBJECT: Request to Purchase New Radios for Town Staff and Beach Patrol

DATE: 3 November, 2020

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## BACKGROUND:

Communication is the key to transparency and coordination between team members and other entities. A very efficient way of communicating daily operations and emergency scenarios is through radios. Radios are used daily by Town Staff and Beach Patrol for communication and updates. Beach Patrol uses them to receive information from The Town and other first responder entities, and also to carry out their daily operations.

## ANALYSIS:

The current radios that are in circulation between The Town and Beach Patrol are between 12 and 15 years old. Not only are they past their peak operating capacity, they are not serviceable for repairs. This means that when a radio breaks, that is one less radio that is in circulation. There have been two radios that have gone out of commission since the beginning of the summer.

After initial discussion at the October Ways and Means Committee meeting, the committee asked that there be further vetting and confirmation on the radio type, capabilities, and quantity. For the type and capabilities, the Radio Communications Manager for Charleston County confirms his recommendation that the requested radios will best suit the needs of Town Staff and Beach Patrol. These radios will be able to communicate with other on-island entities, the Consolidated Dispatch Center, and local law enforcement, fire and medical first responder personnel. In order to monitor the Sheriff's Office operations channels, a higher level of encryption must be purchased, and it is available to add at a later date as an upgrade if not included in the initial purchase.

Since the last radio purchase, Beach Patrol has expanded their staffing and number of patrol units on the beach, and the Town has not added additional radios to meet the need. As for the request to purchase ten (10) radios for Beach Patrol, the radio designation is as follows:

- 5 Radios- One for each patrol unit on the beach during peak season
- 2 Radios- One for each of the owners, Rob Edgerton and Michael Sosnowski
- 3 Radios- One for each supervisor to have at all times, to include the medical doctor on staff

The unit price for the Town Staff radios is \$2,381.19 which brings to total to \$5,078.88 after adding the batteries and charging stations for two (2) radios.

The unit price for the Beach Patrol radios is \$4,709.52 Which brings the total to \$54,220.20 after adding batteries, lapel adapters, and charging stations for ten (10) radios.

After the programming fee and estimated tax, to total comes out to approximately \$66,544.00.

**ACTION REQUESTED:**

Town Staff requests that Town Council approve the purchase of twelve (12) new radios for certain members of Town Staff and Beach Patrol.

**BUDGET & FINANCIAL DATA:**

The Beach Patrol radios are able to be purchased through the Local Accommodations Tax fund and the Town Staff radios would be purchased through the General Fund.



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**TOWN COUNCIL**

**Agenda Item**

# THE TOWN OF KIAWAH ISLAND

## ORDINANCE 2020-13

### AN ORDINANCE TO SET THE SALARIES FOR THE MAYOR AND COUNCIL MEMBERS OF THE TOWN OF KIAWAH ISLAND

**WHEREAS**, South Carolina Code § 5-7-170 and the Town of Kiawah Island Municipal Code Section 2-206(a) require that the salaries of the Mayor and Council Members of the Town of Kiawah Island shall be determined by Council and fixed by ordinance; and

**WHEREAS**, South Carolina Code § 5-7-170 and the Town of Kiawah Island Municipal Code Section 2-206(a) require that any increase in salary shall not become effective until the commencement date of the terms of two or more members of council elected at the next general election following the adoption of the ordinance setting the salaries, at which time it will become effective for the mayor and for all members of council whether or not they were elected in such election; and

**WHEREAS**, the Town Council for the Town of Kiawah Island has decided it is appropriate to raise the salaries for the mayor and council members following the next election;

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.**

#### **Section 1**                      **Ordinance (Not Codified)**

The salaries of the Mayor and Council Members of the Town of Kiawah Island shall be set by this ordinance as follows:

Mayor	\$8,000 per year
Council Members	\$4,000 per year

#### **Section 2**                      **Severability**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances

**Section 3**

**Effective Date and Duration**

This ordinance shall become effective on the commencement date of the terms of two or more members of council elected at the next general election following the adoption of this ordinance and shall be effective for the mayor and all members of council at that time.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**Craig Weaver, Mayor**

\_\_\_\_\_  
**Petra S. Reynolds, Town Clerk**

1<sup>st</sup> Reading: November 3, 2020

2<sup>nd</sup> Reading:



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**TOWN COUNCIL**

**Agenda Item**



# THE TOWN OF KIAWAH ISLAND

## RESOLUTION 2020-05

### A RESOLUTION TO SET THE SALARY FOR THE JUDGE OF THE MUNICIPAL COURT OF THE TOWN OF KIAWAH ISLAND

**WHEREAS**, South Carolina Code § 14-25-15 and the Town of Kiawah Island Municipal Code Section 6-104 require that the Town Council for the Town of Kiawah Island shall appoint the Municipal Judge for the Town of Kiawah Island and fix his or her compensation; and

**WHEREAS**, Town Council has decided it is appropriate to set the salary of the Municipal Judge for the Municipal Court of the Town of Kiawah Island;

**NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS RESOLVED BY THE AUTHORITY OF SAID COUNCIL.**

#### **Section 1**                      **Resolution**

The salary of the Municipal Judge for the Municipal Court of the Town of Kiawah Island is hereby set by resolution of the Town Council of the Town of Kiawah Island as follows:

Municipal Judge              \$4,000 per year

In addition, the Municipal Judge for the Municipal Court of the Town of Kiawah Island shall also receive payment for actual expenses incurred in the performance of his or her official duties as approved by the Town Administrator of the Town of Kiawah Island.

#### **Section 2**                      **Effective Date and Duration**

This resolution shall become effective on the date of passage of the resolution.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 3<sup>rd</sup> DAY OF NOVEMBER 2020.**

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Craig Weaver, Mayor

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Petra S. Reynolds, Town Clerk



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**TOWN COUNCIL**

**Agenda Item**

## **CHARLESTON COUNTY SHERIFF'S OFFICE**

**EMPLOYER:** Town of Kiawah Island

**TELEPHONE NUMBER:** 843-768-9166

**ADDRESS:** 4475 Betsy Kerrison Parkway, Kiawah Island, SC 29455

**PERSON CONTRACTING SERVICES:** Mayor Craig Weaver

**TYPE OF BUSINESS:** Local Government

**DUTIES TO BE PERFORMED:** Police Protection, Traffic Control, Emergency Response

**DAYS AND HOURS OF EMPLOYMENT:** 24 Hour Coverage, 7 Days per Week, Year-Round

**CONTRACT TERM:** January 1, 2021 to December 31, 2021

**PERMANENT OR TEMPORARY:** Temporary

**NO. OF DEPUTIES NEEDED:** 2 deputies – 2<sup>nd</sup> shift

2 deputies – 3<sup>rd</sup> shift

2 Additional Deputies from 8:00a.m. to 4:00 p.m. weekends

Commencing the Friday before Memorial Day through Labor Day

**COORDINATOR FOR CCSO:** Captain Donald Martin / Lt Christopher Brokaw

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### **STIPULATIONS OF CONTRACT**

1. Deputies are contracted at an hourly rate of **\$30.00 per hour**. The contract requires the number of Deputies as stated above per shift for two shifts per day, at a rate of \$30.00 per hour. The normal workweek for Deputies shall be equivalent to forty-three (43) hours per week. Additionally, a fee of \$10.00 per deputy per shift for vehicle and equipment usage will need to be made payable to Charleston County.

2 <sup>nd</sup> Shift	4:00 pm to 12:00 am
3 <sup>rd</sup> Shift	12:00 am to 8:00 am

#### **HOLIDAY PAY:**

During the following holidays; **New Year's Day, Easter, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving, Black Friday, Christmas Eve, Christmas and New Year's Eve**, Deputies will receive pay based on time and a half **\$45.00 per hour**.

- **Labor Day, Memorial Day** - beginning with the 1<sup>st</sup> shift on Saturday and ending with the 2<sup>nd</sup> shift on Monday.
  - **4<sup>th</sup> of July** - beginning with the 1<sup>st</sup> shift prior to the holiday and ending with the 2<sup>nd</sup> shift of the day following the holiday.
2. Coordinators for the Town of Kiawah Island's off-duty employment detail will be paid at a rate of \$35.00 per hour for work performed to coordinate, manage and oversee the activity of deputies assigned to the Town of Kiawah Island. Compensation paid for coordination activity will not exceed \$29,120 in total during the term of this agreement and \$18,200 to any individual coordinator. The Town will receive prior notification (within 30 days) if either of the coordinators is to be changed.
  3. All employers contracting with the Charleston County Sheriff's Office must provide Workers' Compensation coverage. A copy of the secondary employer Workers' Compensation Policy must accompany the contract when requesting deputies for off-duty employment. If the employer does not have Workers' Compensation Insurance, the Sheriff's Office will provide the coverage for the secondary employer at the rate of \$7.00 per one hundred dollars of salary. This amount will be calculated by and payable to the Sheriff's Office prior to the commencement of the secondary employment.
  4. Deputies of the Charleston County Sheriff's Office engaged in off-duty employment of a police nature may be employed only within the legal boundaries of Charleston County, may not perform tasks other than those of a police nature, and may not enforce any rule or order of an employer

governing customer behavior of the employer's premises where the customer's conduct does not constitute a violation of law. Additionally, deputies will not be permitted to engage in any employment which would be in violation of any county, state, or federal law.

5. All deputies of the Charleston County Sheriff's Office must always be available to respond to police emergencies. The Sheriff's Office is the primary employer of all sworn deputies of this Department, and the requirements of the Department will take precedence over any secondary or private employment of an off-duty deputy. In an emergency, deputies will leave his/her private detail at the direction of Charleston County Sheriff's Office Communications and will respond whenever needed.
6. The Charleston County Sheriff's Office reserves the right to inspect payroll records of deputies employed by private contractors. The purpose of any such inspection will be to ascertain the hours a deputy is working to protect the best interest of the county and the deputy based on an evaluation of the total number of hours worked by the deputy. Failure to maintain proper payroll records will be cause for cancellation of the contract.
7. The Charleston County Sheriff's Office warrants that the deputies referred for part-time employment under this contract are in "good standing," as determined by the CCSO. The Town of Kiawah Island assumes no responsibility for any deputy misconduct outside his/her authorized scope of duties.

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I, the undersigned, understand all of the above requirements of the Charleston County Sheriff's Office as related to the employment of off-duty deputies by private employers and do hereby agree to abide by these regulations. I further understand that a minimum 24-hour notice of cancellation must be given to the Charleston County Sheriff's Office; otherwise, I will be responsible for the fees associated with a minimum four-hour contract.

**APPROVED:**

**TOWN OF KIAWAH ISLAND**

**CHARLESTON COUNTY SHERIFF'S OFFICE**

**Craig Weaver, Mayor**

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
AUTHORIZED SIGNATURE/EMPLOYER

\_\_\_\_\_  
OPERATIONS CHIEF/DESIGNEE

\_\_\_\_\_  
DATED

\_\_\_\_\_  
DATED



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**TOWN COUNCIL**

**Agenda Item**

STATE OF SOUTH CAROLINA     )  
COUNTY OF CHARLESTON     )  
  )  
\_\_\_\_\_                                  )

**AMENDMENT TO AGREEMENT BETWEEN  
THE TOWN OF KIAWAH ISLAND  
AND  
ISLAND BEACH SERVICES, LLC**

**WHEREAS**, the **Town of Kiawah Island** and **ISLAND BEACH SERVICES, LLC** entered into an agreement on December 2, 2019 for the purpose of providing Short Term Rental Ordinance Code Enforcement services.

**WHEREAS**, the Town and Island Beach Services wish to amend said agreement in the following particulars:

1. **TERM:** This agreement term shall be extended for an additional one-year term commencing on December 3, 2020 and expiring on December 2, 2021.

All other provisions of the agreement entered into on December 3, 2019 shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment this 3<sup>rd</sup> day of November 2020.

**WITNESSES**

**TOWN OF KIAWAH ISLAND**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
By:     Craig Weaver  
Its:     Mayor

**ISLAND BEACH SERVICES, LLC**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
By:     Rob Edgerton  
Its:     Owner



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**TOWN COUNCIL**

**Agenda Item**

**THIRD AMENDMENT TO THE AMENDED AND  
RESTATED DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
KIAWAH RESORT ASSOCIATES, L.P., ET AL AND  
THE TOWN OF KIAWAH ISLAND**

WHEREAS, the Town of Kiawah Island and Kiawah Resort Associates, L.P. and its related entities (respectively referred to as “Town” and “Property Owner”), entered into an Amended and Restated Development Agreement on December 5, 2013 (hereinafter the “Agreement”), effective that same date, recorded at Book 0377, Page 802, in the Office of the Register of Deed for Charleston County; and

WHEREAS, the Town of Kiawah Island and Kiawah Resort Associates, L.P. and its related entities (respectively referred to as “Town” and “Property Owner”), entered the First Amendment to the Agreement on or about June 4, 2019, recorded at Book 0804, page 670, in the Office of the Register of Deed for Charleston County; and,

WHEREAS, the Town of Kiawah Island and Kiawah Resort Associates, L.P. and its related entities (respectively referred to as “Town” and “Property Owner”), entered the Second Amendment to the Agreement on or about August 6, 2019, recorded at Book 0804 page 670 in the Office of the Register of Deed for Charleston County; and,

WHEREAS, the Agreement provides in Section 22 that the Agreement may be amended by the Parties; and,

WHEREAS, the Parties desire to amend the Agreement to change the maximum number of Dwelling Units in a multifamily building on one portion of the Real Property, specify the maximum total number of Dwelling Units for that same portion of the Real Property, and prescribe supplemental development standards for that same portion of the Real Property.



NOW, THEREFORE, in return for the mutual promises herein and other valuable consideration, the Town and Property Owner agree to amend, and hereby amend, the Agreement as follows:

- a. "Parcel 13 Lot 1" as shown and designated in the graphics attached to replacement Exhibit 13.2, attached hereto, shall constitute a portion of Parcel 13 and shall be subject to the Agreement, as amended hereby; and,
- b. Existing Exhibit 13.2 is removed and replaced with the attached Exhibit 13.2 titled "Parcel-Specific Development Standards" dated 09.21.2020; and,
- c. Existing Exhibit 13.3 is hereby removed and replaced with the attached Exhibit 13.3 titled "Table of General Lot Standards" dated 09.21.2020; and,
- d. Notwithstanding any of the terms and conditions of the Agreement and Exhibits thereto, as amended, or of the Town's Land Development Regulations to the contrary:
  - i. The Property Owner may have up to a total of 100 Dwelling Units on Parcel 13 Lot 1, which shall be comprised of up to 100 Dwelling Units within up to 10 multi-family residential buildings, two (2) of which may contain up to but not more than fourteen (14) Dwelling Units per building, two (2) of which buildings may contain up to but not more than ten (10) Dwelling Units per building, and the remainder of which buildings may contain up to but not more than eight (8) Dwelling Units per building.
  - ii. Pursuant to Exhibit 13.2.4 attached to replacement Exhibit 13.2, portions of Parcel 13 Lot 1 shall be subject to a reduced "Limited Height Zone A"

described therein, the remainder of Parcel 13A Lot 1 being subject to the maximum height limitations for Parcel 13 as set forth in Exhibit 13.2.

All other terms, conditions, and provisions of the Agreement and First and Second Amendments shall remain in full force and effect.

Capitalized terms used but not defined herein shall have the meanings ascribed thereto in the Agreement.

The Agreement, as amended by the First, Second, and this Third Amendment shall be binding upon and inure to the benefit of Property Owner and its successors in title to the Real Property.

IN WITNESS WHEREOF, this Third Amendment to the Agreement has been entered and enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

[Signature pages to follow]

SIGNED, SEALED, AND DELIVERED  
IN THE PRESENCE OF:

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[illegible]

THE FOREGOING INSTRUMENT was acknowledged before me by the TOWN OF KIAWAH ISLAND, by Craig Weaver, its Mayor, and Petra Reynolds, its Clerk of Council, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

4

**PROPERTY OWNER**

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

KIAWAH RESORT ASSOCIATES, L.P.  
(SEAL)

By: Coral Canary GP, L.L.C.  
a Delaware limited liability company  
(CORP.SEAL)

Its: General Partner

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By:\_\_\_\_\_

Jordan Phillips

Its: Vice-President

[illegible]

## ACKNOWLEDGMENT

THE FOREGOING INSTRUMENT was acknowledged before me by KIAWAH RESORT ASSOCIATES, L.P., by Coral Canary GP, L.L.C., a Delaware limited liability company, its General Partner, by Jordan Phillips, its Vice-President, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_ (SEAL)

Notary Public for South Carolina

My commission expires: \_\_\_\_\_

**PROPERTY OWNER**

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

KDP II LLC

(SEAL)

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By:\_\_\_\_\_

Jordan Phillips

Its: Vice-President

STATE OF SOUTH CAROLINA )

)

## ACKNOWLEDGMENT

COUNTY OF CHARLESTON )

)

THE FOREGOING INSTRUMENT was acknowledged before me by KDP II LLC, by Jordan Phillips, its Vice-President, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_ (SEAL)

Notary Public for South Carolina

My commission expires: \_\_\_\_\_

Exhibit 13.2: Parcel-Specific Development Standards

11/4/2013

Revised 08.05.19 Revised 09.21.20

Parcel #	Parcel Description	Use Type (1)	Approx. Acres(2)	Maximum Gross Density (3)	Total Units (4)	Existing Units (5)	Maximum New Units (6)	Maximum F.A.R. W/Transfer (7)	Maximum Height Stories/Feet (8)	Parcel Open Space (9)
2	Mingo North	R-2, C	8.27	3	12	0	12	0.20	2.5/35	30
3	Mingo South	R-2, C	4.40	3	13	0	13	0.20	2.5/35	30
4	Little Rabbit	R-2, C	4.50	4	18	0	18	0.25	2.5/35	30
5	Rabbit North	R-2, C	6.20	3	19	0	19	0.20	2.5/35	30
6	Kiawah River Commons	R-2, C	9.16*	6	55	0	55	0.25	4/50	30
7	Sales Center	C	2.37	-	-	-	-	0.25	4/50	30
8	Parkway Gate	C	1.20	-	-	-	-	0.25	2.5/35	30
9	Beachwalker Office Park	R-2, C	1.75	6	10	0	10	0.25	2.5/35	30
10	Marsh Point Residual	R-2, C	0.66	6	4	0	4	0.20	2.5/35	30
11	Beachwalker Lagoon	R-3, C	5.94	10	60	0	60	0.25	4/50	30
12A	Beachwalker Park	R-3, C (15)	8.70	12	104	0	104	0.20	4/65 (10)	30
12B	Captain Sam's	R-1 (15) (16)	155.34 (20)	2.5	50	0	50	-	2.5/40	40
13	Beachwalker Ocean (31)									
	Parcel 13 Lot 1	R-3, C (15)	7.00	12	100	0	100 (32)	0.20	4/65 (10) (33)	30
	Parcel 13 Lot 2	R-3, C (15) (30)	11.28	12	84	0	84 (28)	0.20	4/65 (10) (29)	30
	Parcel 13 Lot 3	R-3, C (15)	3.54	12	21	21	0	0.20	4/65 (10)	30
15	Utility Tracts	U	34.36	-	-	-	-	0.25	2.5/35	30
16	Settlement (27)	R-2, C (14) (15)/PR	289.60	3	869	121	80	-	4/50	40
18	Captain Maynards	R-1	11.38	1.5	17	6	11	-	2.5	40
21	East Beach Lagoon	R-3	3.00	8	24	24	0	-	4/50	40
22	East Beach Interior (19)	R-2 (15)	33.22	6	199	23	176	-	4/50	40
23	Governor's Marsh	R-2 (15)	12.73	6	76	16	60	-	2.5/40	40
25	Vanderhorst Mansion	R-1	18.34	1.5	28	1	27	-	(11)	50
30	Preserve	R-1	278.30	2	557	163	0	-	2.5/40	50
31	Eagle Point	R-1	18.32	1.5	27	-	0	-	2.5/40	50
32	Eagle Point	R-1	14.96	1.5	22	-	0	-	2.5/40	50
34	Summer Islands	R-1	30.96	1	31	-	0	-	2.5/40	50
37	Club Cottage Lane	R-2 (15)	8.20	4	33	11	0	-	2.5/40	50
41	Osprey Beach 2	R-1, C (15)	21.73	2	43	21	2	(12)	2.5/45	40
42	Otter Island	R-1	109.10	1	109	100	0	-	2.5/40 (21)	50
43	Ocean Park	R-2 (17) (15)	240.42	1.5	360	11	349	-	2.5/40 (21)	50
44	Bear Island	R-2 (17)	149.05	(13)	2	0	0	-	2.5/40	50
50	Freshfields Village PD	FVPD	57.06	(25)	200	0	200	(26)	3.0/55	30
60	Cassique (27)	R-2 / PD / PR	343.45	4	275	98	177	-	2.5/40	30
70	Tract III-A (Freshfields Utility Tract)	U	4.28	-	-	-	-	0.25	2.5/35	30

Parcel 6 Kiawah River Commons: The approximate area has been correct from an error in the 2005 DA to 9.16 acres. This does not have an impact on the maximum allowable vested unit count limit.

**Notice Governing Exhibit 13.2: Parcel Specific Development Standards**

- 1 Parcel with more than one use designation may be appropriate for either type of land use indicated in the above table. All uses shall comply with the appropriate standards for the use type as defined in this agreement. Development consisting of more than one use shall be subject to approval of the Town in accordance with § 13.3.5. Mixed Use Development.
- 2 Acreage figures are approximate and may vary somewhat over time.
- 3 Gross Density equals the number of potential Dwelling Units (existing and future) divided by the gross residential acreage of the parcel above mean high water, excluding Fresh Water and Salt Water Wetlands. Gross Density limits are not intended to discourage or limit the development of higher density types of structures or residences within a parcel provided, however, that maximum density limits are used to establish an absolute cap on the total number of Dwelling Units on a parcel. The above maximum Densities can not be exceeded for every parcel as each parcel is plotted or zoned, the Property Owner shall clearly establish the maximum number of Dwelling Units which may be permitted on a parcel. In no instance shall the maximum number of Vested Units on Kiawah Island established after October 12, 2005 exceed 1,184. In the event that density is limited by physical constraints, a bridge permit or other regulatory constraint beyond the Town's jurisdiction, said limits are not intended to be superseded by this agreement.
- 4 The total number of single family Lots and non-single family Dwelling units permitted in the parcel at maximum permitted densities.
- 5 The number of single family Lots with preliminary plat approval and the number non-single family dwelling units approved by the Town as of July 23, 2005.
- 6 The maximum number of Vested Units which may be approved on any one parcel, subject to the limit of 1,184 total Vested Units on Kiawah Island established after October 12, 2005. The total for this column is 1,264 units excluding Freshfields Village PD and Casique. Where existing units are indicated in the previous column, subdivision may be required prior to establishing any Vested Units.
- 7 Maximum floor area ratio (FAR) equals the building floor area divided by the non-residential or mixed use acreage above mean high water, excluding Fresh Water and Salt Water Wetlands. This column shows the maximum floor area ratio which may be developed on an individual parcel. In no event shall the total amount of non-residential development, exceed 210,000 square feet for the Real Property.
- 8 No development shall exceed the maximum number of stories or the maximum height in feet listed in this column, subject to the bulk limitations described in § 13.3.1(e), provided however, that by reason of floodplain regulations, and the need for innovative design for view-shed and hurricane safety purposes, the height limit on single family residences is forty (40) feet from Ground Floor Level. A maximum height of 45 feet from Ground Floor level is permitted on Parcels 12A, 13, 41, 42 and 43 for single family. Listed height in feet applies to non-single family development.
- 9 Parcel open space as described in § 13.3.4, of this Agreement, is the minimum percentage requirement of Pervious Coverage for a Parcel.
- 10 Height allowance of 65 feet from Ground Floor level is to allow for alternative forms and configurations of massing to minimize the impact of 4 habitable floors. This would include but not be limited to increased roof pitches, dormers, and innovation in overall massing.
- 11 No structure on this Parcel shall be higher than the upper eave height of the Vanderborst Mansion.
- 12 Non-residential uses shall be limited to the Beach Club and associated uses, including dining, kitchen/food preparation areas, public lobby, meeting rooms, lounge, club administrative/operations offices, service and mechanical areas, locker rooms, restrooms, retail store for beach/pod sundries and other uses normally associated with beach club operations and/or restaurant/cocktail bar facilities. Total building floor area for non-residential habitable structures on this Parcel shall not exceed 25,000 square feet.
- 13 See § 16(d), *intro*.
- 14 Non-residential uses shall be limited to golf country club uses including golf pro shop, tennis pro shop, locker rooms, restrooms, dining, kitchen/food preparation, public/lobby area, meeting rooms, lounge, swimming pool, tennis courts, golf course, practice range, maintenance facilities, club administrative/operations offices, service and mechanical areas, maintenance and other uses normally associated with golf country club operations. Total building floor area for non-residential habitable structures on this parcel shall not exceed 40,000 square feet for club operations and 15,000 square feet for golf course/grounds maintenance.
- 15 Currently there are three (3) Membership Lodge structures used by guests of Property Owner and/or Kiawah Island Club, Inc. and located on Parcel 37. The Property owner agrees on behalf of Kiawah Island Club, Inc. that the Club will not lease more than 20 Membership Lodge structures on Kiawah Island, and 20 Membership Lodge structures on Casique, including those currently existing at any one time, and further agrees that these structures will be limited to Parcels 12A, 12B, 15, 16, 22, 23, 41, 43 and 50.
- 16 Development subject to provisions of § 16(f).
- 17 Dwelling unit types limited to single family detached units, including junior homes and zero lot line developments.
- 18 Intentionally omitted.
- 19 Access to East Beach Interior is limited to Green Dolphin Way and Turtle Point Lane. Existing tunnel connection between Parcels 16 and 22 to remain.
- 20 No greater than 20 acres of land may be developed for residential use plus land for infrastructure (roads, utilities, trails, paths, community recreation, etc.)
- 21 Maximum building height for parcels 42 (Otter Island lots 1-41) and 43 (Cough Island) shall be increased to 45' for lots on the water side of the road and are oriented to the ocean or Penny Creek, as determined by ARB.
- 22 Maximum density of parcel 50 is 200 dwelling units overall.
- 23 Maximum non-residential is 480,000 square feet of retail sales, services and offices, as indicated in Exhibit 13.1: Table of Permitted Uses; and in addition no greater than 100 hotel rooms.
- 24 Residential development shall be permitted in the PR use type of Parcels 16 and 50 provided the total area used for residential purposes does not exceed 10 acres in each parcel. The intent is to provide the Property Owner the flexibility to integrate permitted residential within the grounds of the golf courses. The maximum of 10 acres in The Settlement and 10 acres in Casique golf courses may be in whole or in parts, whichever provides for the balance of golf play and allowable residential uses.
- 25 Maximum number of Dwelling Units within Parcel 13A, as indicated in Exhibit 13.2.1, shall not exceed 84 and shall be comprised of (i) up to 80 Dwelling Units within up to 6 residential buildings and (ii) up to 4 Membership Lodge Dwelling Units as part of a beach club amenity (which Private Club amenity facilities and 84 Dwelling Units together shall comply with the requirements hereof as a single residential use project). Within Parcel 13A, there shall be no more than Six (6) residential buildings in total containing the maximum eighty (80) residential Dwelling Units, two (2) of which buildings may contain up to but not more than twenty (20) Dwelling Units per building, two (2) of which buildings may contain up to but not more than twelve (12) Dwelling Units per building, and the remainder of which buildings may contain up to but not more than eight (8) Dwelling Units per building.
- 26 Maximum Height within Parcel 13A is limited within a specific area as delineated in Exhibit 13.2.2.
- 27 Building cover is limited to 25% on Parcel 13A. Exhibit 13.2.3 represents an approximate conceptual site organization for Parcel 13A, the location of residential and amenity or accessory buildings to be subject to Town site plan approval.
- ~~28 Parcel 13 shall consist of two parts, shown as Parcel 13A on Exhibit 13.2.1, and the remainder of Parcel 13.~~
- 29 Parcel 13 shall consist of four parts, shown as Lots 1, 2, 3 and the extended ROW of Duneside Road on Exhibit 13.2.4
- 30 Maximum number of new Residential Dwelling Units within Parcel 13 Lot 1 shall not exceed 100 and shall be comprised of up to 10 multifamily residential buildings, related amenity buildings and parking. Within Parcel 13 Lot 1 there shall be no more than 10 multifamily residential buildings, two (2) of which may contain up to but no more than fourteen (14) Dwellings per building, two (2) of which may contain up to ten (10), and the remainder may contain up to but no more than eight (8) Dwellings per building.
- 31 Maximum Height within Parcel 13 Lot 1 is limited to 3 stories / 55 feet within a specified area as delineated in Exhibit 13.2.4



DATE: AUGUST 29, 1979
DRAWN: J. GREGG
CHECKED: D. HARRIS
CC: BARRY E
JOP 11072
REP 11072-00-0-00-1

Exhibit 13.2.4



REVISED 09.21.2020

**Exhibit 13.3: Table of General Lot Standards  
11.15.2013**

**R-1 Residential <sup>1)</sup>**

Single Family Detached Dwellings

Density: 3.0 D.U./Acre

Lot Size (sq. ft.)	Maximum % Coverage	Lot Dimensions		Setback <sup>3) 4)</sup>			Height <sup>5)</sup>	
		Width <sup>2)</sup>	Depth	Front	Side	Rear	Floors	Feet
8,000-11,999	40	60	100	25	10	25	2.5	40
12,000 +	33	75	100	25	20	25	2.5	40

**R-2 Residential <sup>1)</sup>**

Attached and Detached Dwellings (no greater than 6 D.U./Building)

Density: 6.0 D.U./Acre and 4.0 D.U./Acre <sup>7)</sup>

Lot Size (sq. ft.)	Maximum % Coverage	Lot Dimensions		Setback <sup>3) 4)</sup>			Height <sup>5)</sup>	
		Width <sup>2)</sup>	Depth	Front	Side <sup>8)</sup>	Rear <sup>9)</sup>	Floors	Feet <sup>10)</sup>
6,000-7,999	50	55	85	20	7/5	20/15	2.5	40/35
8,000-11,999	40	60	100	25	10/5	25/15	2.5	40/35
12,000 +	33	75	100	25	20/5	25/15	2.5	40/35

**R-3 Residential <sup>1)</sup>**

Attached and Detached Dwellings (no greater than 7 D.U./Building) **15) 16)**

Density: 12.0 D.U./Acre

Lot Size <sup>6)</sup> (sq. ft.)	Maximum % Coverage	Lot Dimensions		Setback <sup>3) 4)</sup>			Height <sup>5)</sup>	
		Width <sup>2)</sup>	Depth	Front	Side	Rear	Floors	Feet
2,000-3,999	60	20	85	10	3	10	2.5	40
4,000-5,999	50	30	75	15	7	15	2.5	40
6,000-7,999	50	55	85	20	7	20	2.5	40
8,000-11,999	40	60	100	25	10	25	2.5	40
12,000 +	33	75	100	25	20	25	2.5	40

**CSQ-PD <sup>1)</sup>**

Single Family Detached Dwellings

Density: 4.0 D.U./Acre <sup>11)</sup>

Lot Size <sup>6)</sup> (sq. ft.)	Maximum % Coverage <sup>13)</sup>	Lot Dimensions		Setback <sup>3) 4)</sup>			Height <sup>5)</sup>	
		Width <sup>2)</sup>	Depth	Front <sup>12)</sup>	Side <sup>14)</sup>	Rear	Floors	Feet
6,000-7,999	60	60	85	10/5	5/0	10	2.5	35
8,000-11,999	50	60	100	10/5	5/0	10	2.5	35
12,000 +	40	75	100	25	5/0	25	2.5	35

**C Commercial (Kiawah Island)**  
All Uses as Permitted in Exhibit 13.1  
F.A.R.: 0.20-0.25 <sup>7)</sup>

Lot Size (sq. ft.)	Maximum % Coverage	Lot Dimensions		Setback			Height	
		Width	Depth	Front	Side	Rear	Floors	Feet
20,000	70	150	120	25	20	25	2.5	35

Notations:

- 7) F.A.R. Standards on Individual Parcels as indicated in Exhibit 13.2.

**C Commercial (Freshfields Village PD)**  
All Uses as Permitted in Exhibit 13.1

Lot Size (sq. ft.)	Maximum % Building Coverage	Lot Dimensions		Setback			Height	
		Width	Depth	Front	Side	Rear	Floors	Feet
4,000	40	50	-	0	0	0	3.0	55

Notations:

- 1) For residential districts R-1, R-2, R-3 and CSQ-PD only (not including C-Commercial), the ARB shall prescribe and determine Lot area, Lot width, Lot depth, Lot coverage, setback and yard requirements, and may adjust the criteria set forth in the Table of General Lot Standards attached as Exhibit 13.3 provided the ARB determines that exceptional circumstances exist with respect to a particular Lot based on unusual configuration, topographic conditions or unique tree cover, or other material considerations. The ARB approved deviation from a particular standard on Exhibit 13.3 shall not:
  - A. Exceed 20% of the standards for lot dimensions and setbacks.
  - B. Exceed 10% of the standards for maximum % coverage and height in feet, excluding number of floors.
- 2) Lot width may be reduced to a minimum of 20 feet at street R.O.W. for flag lots, or 15 feet for lots on cul-de-sacs.
- 3) A minimum distance between structures, on adjoining properties, must be no less than 20 feet for lots greater than 8,000 sq. ft. and 14 feet for lots 4,000-7,999 sq. ft. Zero lot lines are permitted at the discretion of the ARB.
- 4) On corner and double frontage lots, front setback standards will apply to each lot line that borders a street right-of-way, the remaining lot lines will be subject to side setbacks standards, except when the lot adjoins open space of a minimum of 23 feet, then corner side yard may be reduced to 3 feet.
- 5) Height standards are determined by individual parcel guidelines as indicated on Exhibit 13.2. A maximum height of 45 feet from Ground Floor Level is permitted on lots meeting specific criteria in Exhibit 13.2 on Parcels 12A, 12B, 13, 41, 42 and 43.
- 6) Lot area required for each Dwelling Unit may be reduced to 2,000 square feet provided that open space is provided equivalent to the amount by which each Lot is reduced. Such equivalent open space shall be provided within 1,000 feet of each such Lot so reduced.
- 7) Density limit of 4.0 D.U./Acre pertains to Cassique Parcel 60.
- 8) Setback of 5 ft. pertains to Cassique Parcel 60.
- 9) Setback of 15 ft. pertains to Cassique Parcel 60.
- 10) Height of 35 ft. pertains to Cassique Parcel 60.
- 11) Total dwelling unit cap not to exceed 120 for parcels with CSQ-PD designation. Any parcel not to exceed 4 D.U./Acre.
- 12) Any wall up to 8 ft. above finish grade may be located within any of the required setbacks, provided vision site triangles at street intersections are maintained. Setback of 5 ft. pertains to the garage/studio units.
- 13) The garden courtyard concept coverage includes house, garage, and pool cavity.
- 14) Setback of 0 ft. pertains to the garage/studio units.
- 15) ~~Number of Dwelling Units within a building may be increased to no greater than 20 D.U./Building within Parcel 13A as described with specific conditions in Exhibits 13.2, 13.2.1, 13.2.2 and 13.3.3.~~  
Parcel 13 Lot 2
- 16) Number of new Dwelling Units within a building may be increased to no greater than 14 D.U./Building within Parcel 13 Lot 1 as described with specific conditions in Exhibits 13.2, and 13.2.4



Tab | 9

**TOWN COUNCIL**

**Agenda Item**

Sec. 15-209. - Fireworks and explosives.

- (a) It shall be unlawful for any person to use, fire, shoot, or discharge any fireworks within the corporate limits of the town except for use in public display or exhibit under the provisions of subsection (b) of this section, except as provided by subsection (c) of this section, and except that the provisions of this section shall not include nor prevent the possession or use of toy cap pistols and toy pistol paper caps which contain not more than 0.20 of a grain of explosive mixture and fireworks known as "sparklers." The use and possession of such toy cap pistols, toy pistol paper caps and sparklers shall be permitted at all times.
- (b) It shall be unlawful for any person to use fireworks in public displays or exhibits; provided that, such displays or exhibits of fireworks shall be lawful only where the person desiring to give the same shall have first obtained written approval from the St. Johns Fire District and the town. The town may, in its absolute discretion, grant or refuse to grant the permission so applied for, or may grant the same subject to such restrictions and limitations as may, in its absolute discretion, deem to be in the interest of public safety in connection with such display or exhibit. Only experienced fireworks professionals shall be eligible for a permit.
- (c) Nothing contained in subsections (a) and (b) of this section shall be construed as prohibiting the use of signals necessary for the safe operation of buses, trucks or boats within this town, nor shall such provisions apply to any common carrier, while acting as such, lawfully transporting or having custody of fireworks in interstate commerce or for delivery within this town for use as provided in subsections (a) and (b) of this section.

(Code 1993, § 15-209; Ord. No. 2000-8, 11-28-2000; Ord. No. 2005-1, 3-8-2005)