



Town of *Kiawah Island*

Mayor

Craig E. Weaver

Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

Town Administrator

Stephanie Monroe Tillerson

TOWN COUNCIL MEETING

Municipal Center Council Chambers

October 6, 2020; 2:00 PM

AGENDA

- I. Call to Order:
- II. Approval of Minutes:
 - A. Minutes of the Special Call Town Council Meeting of August 26, 2020 [Tab 1]
 - B. Minutes of the Town Council Meeting of September 1, 2020 [Tab 2]
- III. Mayor's Update:
- IV. Citizens' Comments (Agenda Items Only):
- V. Presentations:
 - A. Dolphin Strand Feeding – Lowcountry Marine Mammal Network - Lauren Rust
- 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** [Tab 3]
 - 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** [Tab 4]
- 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 [Tab 5]
 - B. To Consider Approval of **Resolution 2020-04** – A resolution to Protect and Preserve Kiawah's Environment and Wildlife [Tab 6]
 - C. To Consider Approval of the **Save Kiawah Bobcats Week Proclamation** [Tab 7]
 - D. Discussion of Deer Culling and Communication Plans
 - E. Discussion of State Accommodations TAX Promotion Fund
 - 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.
 - 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:

IX. Council Member:

- a. Committee Updates
- b. General Comments

X. Citizens' Comments:

XI. Adjournment:



Tab | **1**

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND
TOWN COUNCIL MEETING
Live Streaming Via Zoom
August 26, 2020; 3:00 pm

Special Call Meeting

Minutes

I. Call to Order: Mayor Weaver called the meeting to order at 3:00 pm.

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

Also Present: Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney
Steven Reilly, HR&A
Keiley Gaston, HR&A
Petra Reynolds, Town Clerk

Mayor Weaver explained why the delay of the Special Call meeting was due to a Zoom outage that would not allow live streaming to the public. He also noted the meeting was essential at this time to allow Council to consider approval of an emergency ordinance to extend current requirement or restrictions in advance of their expiration, along with the presentation and discussion of the HR&A Housing Market Study report.

II. New Business:

A. To Consider Approval of Emergency Ordinance 2020-09 - An Amended Emergency Ordinance of the Town Council of the Town of Kiawah Island Regarding Face Coverings, Restrictions on Restaurants, Establishments that Possess a State Permit to Sell Alcohol, Other Businesses and Facilities, and Essential Businesses

Mayor Weaver stated an emergency ordinance could only be in effect for 60 days before it must be reconsidered or it expires. The requirements of the emergency ordinances currently in effect will expire at the end of the week, and Emergency Ordinance 2020-09, while it does not impose any new requirements related to COVID, extends those currently in place until October 25th. Included in the extension is the requirement for wearing face coverings while waiting to enter inside a business or dining establishment, and while waiting for takeout food. The ordinance will also adopt and mirror all recent orders from the Governor relating to the sale of alcohol after 11:00 pm, inside dining requirements, and occupancy requirements established for mass gatherings along with the Town's occupancy limits for essential businesses.

Mayor Pro Tem Widuch made a motion to approve Emergency Ordinance 2020-09 - An Amended Emergency Ordinance of the Town Council of the Town of Kiawah Island

Regarding Face Coverings, Restrictions on Restaurants, Establishments that Possess a State Permit to Sell Alcohol, Other Businesses and Facilities, and Essential Businesses. The motion was seconded by Councilmember Said and was unanimously passed.

III. Presentation:

A. HR&A - Kiawah Island Housing Market Study

Earlier this year, the Town engaged an independent firm to study Kiawah's property values and trends, market position, and brand positioning. The goal was to understand our recent experience better and identify actions that the community – property owners, the Town, and major entities like KP (Kiawah Partners), KIGR (Kiawah Island Golf Resort), and KICA (Kiawah Island Community Association) – should consider ensuring that Kiawah experiences growing property values and remains a special place to own property and live or invest. This study grew out of last year's consideration of short-term rental policies, during which a lot of opinions and discussion revolved around property owners' differing views and experiences with property values on the island.

The Town Council engaged a highly respected consulting firm, HR&A Advisors, to study the question, with a specific focus on how our community's property values have performed compared to our peer communities. In addition, HR&A Advisors was charged with identifying the strengths and weaknesses of our market, the long-term challenges we face, and steps we can consider addressing those challenges.

Before the presentation, Mayor Weaver pointed out that the Council has not had the opportunity to review or discuss the draft report and would not be taking any actions on adoption or approval. He also emphasized that a large part of the community was engaged in the study and incorporated a wide array of data and information from stakeholders, the Conservancy, area realtors, along with full and part-time residents, and short-term rental owners. While these entities provided information, they have not had a chance to review and discuss and do not thus far endorse the report. He also noted that the community would be given the opportunity to participate in a virtual session to present questions to HR&A.

Mr. Reilly introduced himself as a principal with HR&A Advisors, a real estate and economic development advisory firm operating across various areas with housing market studies as a core element. Along with Ms. Gaston, he presented an overview of the study report findings and recommended action items and discussed, in detail, the key findings and takeaways. As the presentation progressed, Councilmembers posed questions for clarification and provided feedback on the information offered.

A complete copy of HR&A's Kiawah Island Housing Market Study and presentation is available upon request.

Following the presentation, Mayor Weaver thanked Mayor Pro Tem Widuch and Ms. Tillerson for the many hours they have contributed, the large number of meetings and discussions with HR&A along with coordinating with the entities and residents to provide the information for the study.

IV. Adjournment:

Councilmember Prickett motioned to adjourn the meeting at 4:02 pm. The motion was seconded by Councilmember Connelly and carried unanimously.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date

DRAFT



Tab | 2

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND
TOWN COUNCIL MEETING
Via Live Streaming
September 1, 2020; 2:00 PM
Minutes

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

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

Also Present: Stephanie Tillerson, Town Administrator
Joe Wilson, Town Attorney
Bruce Spicher, Community Services Director
Petra Reynolds, Town Clerk

II. Approval of Minutes:

A. Minutes of the Town Council Meeting of August 4, 2020

Councilmember Connelly made a motion to approve the minutes of the August 4, 2020 Town Council Meeting. Councilmember Prickett seconded the motion, and the minutes were unanimously approved.

III. Mayor's Update:

Mayor Weaver stated that September 1st was the first day to file for candidacy in the December 1st Town Council election for both the Mayor and the four Council seats. Documents to file are available at Town Hall, and any interested party can file with the Town Clerk until the deadline at noon on October 2nd.

Mayor Weaver gave an update on the June Sea Level Rise discussion, which centered around identifying and structuring priorities moving forward into the future and supporting a recommendation around an adaptive management approach to initiate a course of action. The first stage of the approach was to have a group of community volunteers, working with the Town and Community Association, develop a survey to obtain input from resident property owners on their concerns with the Sea Level Rise issue. He stated the group has been meeting, holding focus groups, and working hard on building a community-wide survey that should be ready mid-month to go out to property owners with the results presented at the November Council meeting.

Mayor Weaver stated that a rezoning request had been submitted to the Charleston County Planning Commission to develop the property next to Town Hall for a miniature golf facility. He noted that the developer held a public question and answer gathering at the site with a few people from Kiawah and Seabrook in attendance. The Charleston County Planning Commission has scheduled a meeting to initially review the proposal, but not for voting on approval.

Mayor Weaver stated that the property is not in Kiawah, and therefore, the rezoning request was not submitted to the Town. He indicated that any information on the Charleston County Planning Commission, timeline, meetings, and how to submit comments to the Commission on the property's proposed use would be communicated to residents.

Mayor Weaver gave an update on the activities taking place concerning the use of SGAs and the Town's concerns with their prevalence in the island's environment and impact on bobcats. He noted that there has been growing local interest with news stories in the Post and Courier and all the local networks. Communications to the community explaining and educating on the issues have inspired a good response in supporting the Town's Bobcat Pledge from residents, property managers, all the major entities, and several of the larger pest control companies. South Carolina Senator Chip Campsen has also displayed his support by communicating with Clemson University and the SC Department of Pesticide Regulation on the Town's behalf.

Mayor Weaver expressed condolences to the wife and family of Mr. Jack Regan, who passed away over the weekend. For many years, Mr. Regan served the Town as the co-founder of the Community Emergency Response Team (CERT) and was a strong contributor to the Town as part of the Public Safety Committee.

IV. Old Business:

A. To Consider Approval of Ordinance 2020-08 - An Ordinance to Amend Article 2, General Government and Administration, Chapter 2, Municipal Council, Section 2-201, and Article 3, Elections, Chapter 1, Election of Mayor and Council, Sections 3-102 and 3-103 to Adopt Four-Year Terms of Office and Staggered Terms for Council– Second and Final Reading

Mayor Weaver indicated that at following the first reading of the Ordinance, members agreed that prior to the second reading, it would address any community questions or issues around making the change to the Council terms from two years to four years, along with any effect on potential candidate considering running in the upcoming December election.

Mayor Weaver confirmed that there had not been any objections or concerns raised by the Community to moving forward. Apart from the change coming so close to the upcoming election, generally, comments were supportive that the proposed change to four-year terms would provide better continuity for the Town.

Councilmember Said made a motion to approve the second reading of Ordinance 2020-08 to Amend Town Council Term Limit from a 2-year term to a 4-year term. Councilmember Prickett seconded the motion.

Mayor Weaver reviewed the approach to be taken in the December election to transition into the staggered terms. In the Ordinance as written, the approach is based on the two candidates obtaining the highest votes taking the four-year terms. Councilmember Prickett explained an alternative approach used by municipalities is to run two separate term elections. Candidates file to run for a preference of a two-year term or a four-year term with voters selecting for two candidates in each of the terms. Councilmembers discussed the alternative approach, agreeing that providing the candidates the opportunity to make the term selection would provide a smoother transition and supported changing the language in the Ordinance.

Councilmember Prickett made a motion to amend the implementation language of Ordinance 2020-08 to read "In order to implement the Ordinance and staggered terms, the next election to be held on December 1, 2020, will elect a mayor for a term of four years, two council members for a term of four years, and two council members for a term of two years. The two-year term seats and the four-year term seats will be separate elections. Persons applying to be a candidate for council members in the next election will designate whether they desire to run for a two-year or a four-year term." The motion was seconded by Councilmember Connelly and was unanimously passed.

Following the discussion, the motion to approve Ordinance 2020-08 as amended was unanimously passed.

V. New 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 – *First Reading***

Councilmember Said made a motion to approve the first 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. Councilmember Prickett seconded the motion.

Mr. Spicher explained that the proposed amendment to the Town’s flood ordinance would change the effective date for the enforcement of the Flood Insurance Rate Map (FIRM) to January 29, 2021. He noted that the amendment would also reflect new definitions and a new delineation line required to comply with the new FIRM’s and ensure the Ordinance remains an enforceable document based on the latest edition of the FEMA Flood Insurance Rate Maps.

Councilmembers engaged in an in-depth discussion of the flood map approval process, which has spanned several years, and with new flood maps in place, the potential implications of potential changes in freeboard levels based on the direction of the new flood map designations along with the necessity for a more comprehensive discussion of the issue in the near future.

Following the discussion, the motion to approve the first reading of Ordinance 2020-10 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 – *First Reading***

Mayor Weaver stated that Ordinance 2020-11 is amending the language of an existing ordinance to deal with the growing problems with trash and specifically address the long-term issue with trash thrown on the ground at the Sora Rail waste disposal facility that has become a public health issue. He noted that despite aggressive measures with having been taken with the placement of cameras and signage to mediate the issue, the propensity to leave trash on the ground continues.

Mr. Wilson reviewed the proposed language amendments, which would provide better enforcement and provide clarification for the more successful prosecution of offenders in the Town’s Municipal Court. He noted the language is taken from a model code suggested for municipalities.

Councilmember Said 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.

- C. To Consider Approval of the HR&A Kiawah Island Housing Market Study**

Mayor Weaver began by indicating that the Council would not be considering the approval but rather adopting the Housing Market Study that HR&A presented to Council members for review and discussion. He stated HR&A held an additional presentation that invited residents and property owners to present comments and questions to HR&A.

Mayor Weaver indicated the comprehensive study captured important data about the community housing market by highlighting some of the near term and long term future issues, which would be the beginning of future discussions and the foundation of future activity. He also stressed that the

report's adoption did not suggest that the Council or any other entity involved in the development agreed to adopt or implement every point or recommendation suggested in the report. He indicated that the study would be a more detailed discussion with the Community Association, Resort, and Kiawah Partners and more communications going out to residents and property owners to create a better understanding of the essential key points in the coming months of the study.

Mayor Weaver stated that the concept of doing the study was motivated by community concerns about the strength of Kiawah's housing market, and if Kiawah was still a strong community competitively and still performing well. The study analysis indicates that today Kiawah continues to be a strong community with a very strong regional and national reputation and a fundamentally strong real estate market. Still, the Community will have to focus on investment and redevelopment to stay fresh, and a vibrant community.

Mayor Pro Tem Widuch and Ms. Tillerson added comments on HR&A's work and thanked them for a great job.

Following the discussion, Councilmembers unanimously voted to formally adopt the HRNA Kiawah Island Housing Market Study.

Mayor Weaver made an additional comment to the "Mayor's Update" by congratulating Mr. Jim Jordan on his 20th year as the official Town's Biologist and also thanked him for his continued contribution to the Town.

VI. Town Administrator's Report:

Ms. Tillerson gave an update on the Parkway project stating that the previous discussion questioned if the slope of where the right turn lane driveway intersects the bike path was constructed per the engineer designs. McCormick Taylor is in the process of reviewing the required "As-Built Drawings" completed by Banks Construction. Once the final review is completed and approved, the repaving project can be closed out. She stated the landscaping portion of the project is scheduled to begin at the end of September. The acquisition of additional easement or right-of-way behind the new bike path from the Haulover Group has been surveyed and will finalize when the "As-Built Drawings" has been approved.

Mayor Weaver stated that to address the safety concerns where the bike path is raised and visually looks close to the turn lane, a combination of hedging and fencing will provide a structural separation.

Councilmember Said questioned if there had been a significant increase in the short-term rental licenses issued during the current active rental market. Ms. Tillerson responded that a significant increase had not been noted.

VII. Council Member:

- a. Committee Updates
- b. General Comments

Councilmember Connelly reported that the deputy bike patrol program's implementation had been delayed due to appropriate bicycles' unavailability. Still, the deputies will be moving forward with their training. She reported that the Community Association would delay a decision on electric bicycles due feedback on the bike paths' condition, noting that the additional striping and stenciling on the bike paths will encourage cyclists to stop at the stop signs.

Mayor Pro Tem Widuch thanked each of the entity representatives and residents who participated in the HR&A study and a special thank you to Ms. Tillerson for her coordination efforts throughout the study.

Councilmember Prickett provided highlights of the 2019-2020 Arts Council Annual Report by stating there had been 34 events attended by almost 1200 people. The majority were musical events and four art films, along with a ballet and dance band. He noted that the upcoming year would be different with the first half of the 2020-2021 season's events, from July to December being canceled due to the COVID virus. He stated that the Arts Council is working on planning events that would begin in January 2021, depending on the Town's health and welfare, its residents, and guests. He also thanked Ms. Edgerton and Ms. Laughlin for the tremendous help they provide to the Arts Council.

Mayor Weaver thanked all the Arts Council members for the work that goes into planning the events.

Ms. Tillerson thanked Ms. Shubert and Ms. Edgerton for the great work done on the *Budget at a Glance*, which gives residents a quick view of what the Town does and how it spends its money and is now available in the lobby at Town Hall, sent out by E-blast and posted on the Town's website.

- VIII. Additional Documents** (information only):
- A.** Arts and Cultural Events Council Annual Report
 - B.** Budget at a Glance

IX. Adjournment:

Councilmember Prickett motioned to adjourn the meeting at 3:35 pm.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date



Tab | 3

TOWN COUNCIL

Agenda Item



Request for Town Council Action

TO: Mayor and Town Council

FROM: Bruce D. Spicher/Floodplain Manager

SUBJECT: Ordinance 2020-10

DATE: October 6, 2020

BACKGROUND:

The effective date for the enforcement of the Flood Insurance Rate Map (FIRM) shall be January 29, 2021. Our current Flood Damage Prevention Ordinance is required to be amended to reflect required changes to comply with the new FIRM's, and to ensure our ordinance remains an enforceable document based on the latest edition of the FEMA Flood Insurance Rate Maps.

ACTION REQUESTED:

Approval of Ordinance 2020-10 to amend:

Article 14, Chapter 1, Sec. 14-114 - Basis for establishing the areas of special flood hazard - to change the effective date to reflect a date of January 29, 2021

Article 14. Chapter 1, Section 14-115 – Definitions - to add a new definition to define the new flood delineation line designated on the new FIRM.

Article 14, Chapter 1, Section 14-173 - Special Standards – to change the language to include correction of typographical error and add new LiMWA language, thereby creating a document that defines the design and building requirements for properties that reside in this new property designation group.

TOWN OF KIAWAH ISLAND

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

WHEREAS, the Town is to adopt the Flood Insurance Rate Maps with an effective date of January 29, 2021. Which once adopted will supersede the current Flood Insurance Rate Map effective date of November 17, 2004 and;

WHEREAS, the town is a member of the National Flood Insurance Program and;

WHEREAS, the town is an active member of the Community Rating Service Program.

NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1 **Purpose**

The purpose of this Ordinance is to Amend Article 14, Chapter 1, Section 14-114, 14-115 and Section 14- 173.

SECTION 2 **Ordinance Amendments**

Article 14, Chapter 1, Sec. 14-114 - Basis for establishing the areas of special flood hazard shall be amended as follows:

The areas of special flood hazard identified by the federal emergency management agency in its flood insurance rate map (FIRM), dated November 17, 2004, with accompanying maps and other supporting data that are adopted by reference and declared to be a part of this chapter.

The areas of special flood hazard identified by the federal emergency management agency in its flood insurance rate map (FIRM), dated January 29, 2021, with accompanying maps and other supporting data that are adopted by reference and declared to be a part of this chapter.

Article 14. Chapter 1, Section 14-115 - Definitions shall add new definition to define the new flood delineation line designated on the new FIRM. The new definition shall read as follows:

Limit of Moderate Wave Action (LiMWA) zones, are those zones identified on currently adopted Flood Insurance Rate Maps as having the potential to be affected by wave action in excess of 1.5 feet, and therefore be at a significant risk during a 1-percent-annual-chance flood event. As such are required to be designed and built in

accordance with current “V” zone requirements. This area designation is also referred to as a “Coastal A Zone”.

Article 14, Chapter 1, Section 14-173 - Special Standards shall be amended as follows:

Special standards for construction in coastal high hazard areas located within the special flood hazard areas identified by the map and report referred to in section 14-114 are areas known as coastal high hazard areas (V-zones) and or Limited Moderate Wave Action Zones, also known as Coastal A Zones. These coastal high hazard areas have special flood hazards associated with high velocity waters from tidal surge and hurricane wave wash and therefore the following special construction standards shall apply in the coastal high hazard areas as determined by the floodplain manager and the building official.

- (1) All buildings in a coastal high hazard area shall meet the following provisions:
 - a. All buildings shall be located landward of the reach of the mean high tide.
 - b. All buildings shall be elevated so that the lowest supporting horizontal member (excluding pilings or columns) is located no lower than one foot above base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action. Certification of the elevation of the bottom of the lowest supporting member must be verified and recorded.
 - c. All buildings or structures shall be securely anchored on pilings or columns.
 - d. All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effect of wind and water loads acting on all building components. Water loading values shall equal or exceed base flood. Wind loading values shall be in accordance with the International Building Code Section 1609 and shall correlate to the risk factor specified for the building construction type to be construed.
 - e. A registered professional engineer shall certify that the design, specifications and plans for construction are in compliance with the provisions of this chapter related to construction in coastal high hazard areas.
 - f. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge prior to generating excessive loading forces, ramping effects or wave deflection. The building official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer which demonstrates that the following factors have been fully considered:
 1. Particle composition of fill material does not have a lending for excessive natural compaction;
 2. Volume and distribution of fill will not cause wave defection to adjacent properties; and

3. Slope of fill will not cause wave run-up or ramping.
- g. There shall be no alternation of sand dunes which would increase potential flood damage.
 - h. Breakaway walls shall be allowed below the base flood elevation to enclose the perimeter foot print of the structure and to provide no more than 300 square feet of storage. A breakaway wall is a wall that is not part of the structural support building, intended through design and construction to collapse under specific lateral (wind and water) loading conditions without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All CMU walls designed to break-a-way shall be free of rebar reinforcement. To ensure breakaway walls withstand forces from wind and everyday use, yet collapse under storm conditions, current NFIP and FEMA regulations require that a breakaway wall shall have a safe design loading of not less than ten pounds per square foot (psf) and no more than 20 pounds per square foot (psf). Designation of this limit should be based on such factors as material, cross-section and spacing of pilings or columns upon which the structure sits the elevation above the ground and other assumed loadings on the structure. Breakaway walls shall not have any devices or equipment attached to them. Any type of enclosure that does not meet this design criterion is prohibited. "V" zone, and or Limited Moderate Wave Action zones, and or Coastal A zone, certification documentation; that includes amount of scouring, elevation of the bottom of the lowest horizontal structural member, elevation of the lowest adjacent grade, base flood elevation, embedment depth of pilings or foundations, shall be completed by the design engineer or architect and his/her seal placed on the document.
 - i. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away under high tides or wave action without damage to the structural integrity of the building and provided that:
 1. No solid wall shall be allowed;
 2. Material is lattice or mesh screening only; and
 3. Only class 4 and 5 materials shall be used below base flood elevation.
 - j. Such enclosed space (lattice or screening) shall not be designed to be used for human habitation but may be designed to be used only for the parking of vehicles, building access, or limited storage of maintenance equipment used on the premises.
 - k. Prior to construction, plans for lattice work or screening must be approved by the building official.
 - l. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening.

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 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 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 January 29, 2021 and with the approval of the second reading.

PASSED, APPROVED, AND ADOPTED BY COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 6th DAY OF OCTOBER 2020.

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

First Reading Approval: September 1, 2020

Second Reading Approval: October 6, 2020



Tab | 4

TOWN COUNCIL

Agenda Item

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2020-11

AN ORDINANCE TO AMEND ARTICLE 15, GENERAL OFFENSES, CHAPTER 2, OFFENSES AGAINST PUBLIC PEACE, SECTION 15-212, LITTERING

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 15, General Offenses, Chapter 2, Offenses Against Public Peace, Section 15-212, Littering;

WHEREAS, the Town Council believes that it is appropriate to amend Section 15-212 to address issues related to the prosecution of littering charges under this Section and to clarify who can be held responsible for violations of the Section; and

WHEREAS, the Town Council wishes to amend Section 15-212 to address these issues.

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**

The purpose of this Ordinance is to amend Article 15, General Offenses, Chapter 2, Offenses Against Public Peace, Section 15-212 Littering to address issues related to the prosecution of littering charges under this Section and to clarify who can be held responsible for violations of the Section.

Section 2 **Ordinance Amendments**

Section 15-212 amended as follows:

(a) No person may place or cause or allow to be placed or disposed of in any manner any litter or other solid waste upon any public or private property except in an authorized receptacle provided expressly for the purposes of retaining such litter or waste matter. Persons placing litter or waste matter in an authorized receptacle shall do so in such a manner as to prevent the litter or waste matter from being carried or deposited by the elements outside of the receptacle.

(b) No person may place or cause to be placed litter, other solid waste or yard debris in any lagoon, stream, or other waterway, except during the maintenance of bodies of water by authorized personnel.

(c) No person may place or cause to be placed any litter or other solid waste, including recyclable material, at any waste collection site within the Town except in an authorized receptacle provided expressly for the purposes of retaining such litter or waste matter. Persons placing litter or waste matter in an authorized receptacle shall do so in such a manner as to prevent the litter or waste matter from being carried or deposited by the elements outside of the receptacle.

(d) “Litter” means any organic or inorganic waste material, rubbish, refuse, garbage, recyclable material, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description.

(e) Whenever any litter or other solid waste which is placed or caused to be placed in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing, which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

(f) Any person may be held in violation of this ordinance if they direct, advise, or cause a third party place litter or waste matter in violation of this ordinance.

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 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 4 **Effective Date and Duration**

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

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 6th DAY OF OCTOBER 2020.

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

1st Reading: September 1, 2020

2nd Reading: October 6, 2020



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TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND

ORDINANCE 2020-09.1

AN AMENDED EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KIAWAH ISLAND REGARDING FACE COVERINGS, RESTRICTIONS ON RESTAURANTS, ESTABLISHMENTS THAT POSSESS A STATE PERMIT TO SELL ALCOHOL, OTHER BUSINESSES AND FACILITIES, AND ESSENTIAL BUSINESSES

The Town Council of the Town of Kiawah Island, South Carolina, duly assembled, hereby ordains that the following Emergency Ordinance be adopted pursuant to South Carolina Code § 5-7-250:

WHEREAS, it is well recognized that SARS-CoV-2, the virus that causes the disease COVID-19, presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States has declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus, and that State of Emergency remains in place; and

WHEREAS, the Governor of South Carolina declared a State of Emergency on March 13, 2020, to enhance the State's response to the COVID-19 virus's impact on the State, and that State of Emergency remains in place; and

WHEREAS, the Mayor of the Town of Kiawah Island declared a State of Emergency within the Town on March 19, 2020, and his proclamation was adopted by Town Council on March 25, 2020, and that State of Emergency remains in place; and

WHEREAS, Town Council adopted several versions of a prior Emergency Ordinance in the past three months, but have since lifted most restrictions, although some restrictions on citizens, visitors, and businesses remain in place; and

WHEREAS, since the lifting of restrictions, the State, County, and Town has seen a resurgence in the spread of COVID-19; and

WHEREAS, citizens and visitors, particularly those visiting commercial businesses within the Town have had a low rate of mask usage and have infrequently engaged in voluntary social distancing and other actions designed to impede the social transmission of the virus; and

WHEREAS, the CDC and SCDHEC have repeatedly advised the use of cloth face coverings to slow the spread of COVID-19; and

WHEREAS, face coverings can decrease the spread of respiratory droplets from people, and evidence has grown, showing in numerous recent studies that the use of face coverings decreases the spread of COVID-19 within populations; and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains, the health and safety of the Town's residents and visitors, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, Section 5-7-30 (the “Home Rule Statute”) and Section 5-7-250 of the South Carolina Code of Laws, as well as the Governor’s Executive Orders, all empower Council to enact emergency ordinances affecting life, health, or safety; and

WHEREAS, the South Carolina Attorney General on June 24, 2020 has issued an opinion that municipalities are authorized to issue ordinances requiring the public use of masks; and

WHEREAS, on August 2, 2020, the Governor issued Executive Order No. 2020-50 rescinding all prior Executive Orders, other than those declaring a State of Emergency, and declared that voluntary guidelines governing restaurants first established by AccelerateSC were now mandatory. These now mandatory restrictions govern restaurants, other establishments that possess a state permit to sell alcohol, and other businesses, facilities, venues, events, or mass gatherings. Among other things, restaurants must require the wearing of masks, cannot sell alcohol after 11:00 p.m., are limited to 50% occupancy, and must space tables six (6) feet apart; and

WHEREAS, the Governor’s Executive Order No. 2020-50 also explicitly authorized municipalities to enact their own emergency ordinances requiring the use of masks in public settings where it is not feasible to maintain six (6) feet of separation from others; and

WHEREAS, in light of the foregoing, Town Council of the Town of Kiawah Island deems it proper and necessary to amend its prior emergency ordinance and adopt this emergency ordinance in order to address how the Town and Council will proceed in light of the above emergency;

NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AS FOLLOWS:

1. The directives and procedures adopted by the Town’s prior Emergency Ordinances hereby rescinded and replaced by this Emergency Ordinance **except** the following:
 - A. The Mayor’s Proclamation of Emergency, dated March 19, 2020, and Council’s confirmation of same remain in place;
 - B. Town Council members and staff will be authorized during this State of Emergency to attend meetings of Council via teleconference at their discretion;
 - C. The public will not be allowed to attend Council meetings, or any other Town meetings, in person. Meetings will still be broadcast. Measures will be taken to allow the public to submit comments prior to any meeting by emails, which will be included in the public record of the meeting.
 - D. The Town Administrator is authorized to cancel and revoke any special events permits issued prior to the date of this ordinance; and
 - E. The Mayor is authorized to take protective measures for protection of the public health.

MASK REQUIREMENT

2. “Face Covering” or “mask” shall mean a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is otherwise wrapped around the lower face. A Face Covering can be made of natural or synthetic fabrics and can be handmade or improvised from other items. A face shield that covers the nose and mouth and extends below the chin shall satisfy the Face Covering requirements of this Order. Medical-grade masks or respirators shall satisfy the Face Covering requirements of this Order; however, according to the latest CDC guidance, these critical supplies should be reserved for use by healthcare workers and medical first responders.

3. All persons, including employees, entering or waiting to enter any restaurant (including persons waiting to pick up a carryout order), business, club, or association facility must wear a face covering at all times.
4. The following persons are exempted from the Face Covering requirement:
 - A. A child who is two (2) years old or younger or a child whose parent, guardian, or responsible adult has been unable to place the Face Covering safely on the child's face.
 - B. A person who is seeking to communicate with someone who is hearing-impaired in a manner that requires the mouth to be visible.
 - C. A person with a physical, mental, or behavioral health condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove a Face Covering without assistance) that prevents wearing a Face Covering, provided that a non-employee or visitor who represents that they cannot wear a Face Covering for one or more of these reasons should not be required to produce documentation or any other form of proof of such a condition.
 - D. A person who is actively engaged in eating or drinking or obtaining a service that requires access to or visibility of the face.
 - E. A person who is engaging in strenuous exercise or physical activity.
 - F. A person who is operating or occupying a vehicle alone or with other persons who are members of the same household.
 - G. A person who is voting or assisting with the administration of an election, although wearing a Face Covering is strongly encouraged.
 - H. A person who must remove a Face Covering for purposes of identification or security screening or surveillance.
 - I. A person for whom wearing a Face Covering would create a risk to the health or safety of the person due to their occupation, job function, or work assignment where wearing a Face Covering would be inconsistent with industry safety standards or protocols or federal, state, or local regulations or guidelines.
5. Businesses and restaurants are responsible for enforcing this Emergency Ordinance with regard only to their employees and are subject to the penalties included herein for violations occurring inside or outside of their business by their employees. Businesses and restaurants are required to conspicuously post at each entry and exit a notice in their business visible to customers entering the business, informing customers that the use of Face Coverings by customers and employees is mandated by law. Failure to post such a notice is a violation of this Emergency Ordinance.

ADDITIONAL EMERGENCY RESTRICTIONS

6. The Town adopts all Emergency Orders as amended issued by the State of South Carolina Governor Henry McMaster related to the coronavirus, including Governor McMaster's Executive Order No. 2020-50.
7. All restaurants and other establishments that possess a state permit to sell alcohol must comply with the Governor's Executive Order No. 2020-50 and shall comply with the following mandatory restrictions:
 - A. The sale or consumption of beer, wine, or alcoholic liquor in all restaurants and other establishments that possess a state permit to sell alcohol is prohibited between the

- hours of 11:00 PM and 10:00 AM. The sale of beer, wine, or alcoholic liquors for off-premises consumption is not covered by this restriction;
- B.** Operating dine-in services at no more than 50% of the certificate of occupancy issued by the fire marshal;
 - C.** Employees and patrons shall be required to wear masks or face coverings;
 - D.** Tables are to be spaced to keep diners at least six feet apart;
 - E.** No more than 8 customers per table unless from the same family; and
 - F.** Standing or congregating in bar area of restaurant is prohibited.
- 8.** Per the Governor's Executive Order, other types of businesses, facilities, venues, events or mass gatherings which are permitted to open but are required to implement AccelerateSC guidelines include the following: festivals, parades, concerts, theaters, stadiums, arenas, coliseums, auditoriums, grandstands, amphitheaters, gymnasiums, concert halls, dance, halls, performing arts centers, parks, racetracks, or similarly operated entities. These guidelines include, but are not limited to, the following:
- A.** Attendance may not exceed 50% of the certificate of occupancy issued by the fire marshal – or 250 persons – whichever is less;
 - B.** Require the wearing of masks for face coverings as a condition of admission or participation;
 - C.** Enact social distancing, cleaning and hygiene practices as recommended by AccelerateSC; and
 - D.** End the sale of alcohol at 11:00 PM.
- 9.** All essential businesses originally covered by the Governor's Executive Order No. 2020-21, Section 1(I) must comply with occupancy rate, social distancing practices, and sanitations requirements included in the Governor's Executive Order No. 2020-21, Section 1(I), which includes the following restrictions:
- A.** Emergency Maximum Occupancy Rate. The business shall limit the number of customers allowed to enter and simultaneously occupy the premises so as not to exceed five (5) customers per 1,000 square feet of retail space, or twenty percent (20%) of the occupancy limit as determined by the fire marshal, whichever is less.
 - B.** Social Distancing Practices. The business shall not knowingly allow customers, patrons, or other guests to congregate within six (6) feet of one another, exclusive of family units.
 - C.** Sanitation. The business shall implement all reasonable steps to comply with any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials.
- 10.** All essential businesses covered by the Governor's Executive Order No. 2020-21, Section 1(I) must also limit customers entering the business to a single person per family or group at a time, except for shoppers with small children when no other adult is present, and persons who, for medical reasons, require assistance. At any point, when a business is under a Town or Governor's Order, which limits the maximum occupancy to less than approved by building or fire authorities, the revised occupancy level must be prominently displayed at all entrances. If applicable to the business, the requirement for "a single person per family or group" must be prominently displayed at all entrances.
- 11.** Violators of any other provision contained in this Emergency Ordinance will be subject to a criminal fine of up to \$100.00 plus required statutory assessments. Each day of the infraction shall be considered a separate offense. In addition, any violation may be charged as a criminal infraction with any other relevant criminal penalties contained in the Kiawah Island Municipal

Code, or civil or criminal penalties under state law, or federal law, including violations of S.C. Code Section 16-7-10 (Illegal acts during state of emergency), and penalties authorized pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State.

12. All net fines (not including assessments or other payments directed elsewhere under State law) paid to the Town for violations of this Emergency Ordinance will be earmarked and donated to a nonprofit or charitable organization to be chosen at a later date.
13. Should any provision, section, paragraph, sentence or word of this Emergency Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Emergency Ordinance as hereby adopted shall remain in full force and effect.
14. As provided by S.C. Code § 5-7-250(d), this Ordinance shall expire automatically on December 5, 2020 (the "Emergency Term"). Notwithstanding the foregoing, however, Council may rescind or extend the Emergency Term by emergency ordinance for one or more additional terms, each of no more than sixty-one days.

MOVED, APPROVED AND ADOPTED THIS 6th DAY OF OCTOBER, 2020.

Craig Weaver, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: October 6, 2020

No Second Reading per S.C. Code § 5-7-250



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TOWN COUNCIL

Agenda Item

Town of Kiawah Island

RESOLUTION 2020-04

WHEREAS, wildlife, including, but not limited to, bobcats, foxes, owls, hawks, and snakes, are an irreplaceable part of the Kiawah Island ecosystem and play an important role in regulating and controlling populations of rodents throughout the island improving public health and welfare.; and

WHEREAS, first- and second-generation anticoagulant rodenticides are toxic bait products distributed and used to control rodents by individuals and businesses on commercial and residential properties; and

WHEREAS, pets and wildlife of the Town of Kiawah can become sick or die from ingesting anticoagulant rodenticides directly or due to secondary poisoning after consuming poisoned rodents; and

WHEREAS, three adult bobcats have died directly from the lethal effects of anticoagulant rodenticides in the last 14 months; and

WHEREAS, Kiawah's bobcat population has declined from 30-35 to less than 10 in the last 3 years; and

WHEREAS, the Town Council wishes to eliminate the use of anticoagulant rodenticides on Kiawah Island and to encourage the use of non-toxic rodent control methods or non-anticoagulant rodenticides to protect the wildlife and other natural resources of Kiawah Island; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Kiawah Island believes that anticoagulant rodenticides are having significant negative effects on the Kiawah ecosystem, strongly discourages their use, adopts Integrated Pest Management (IPM) as the best pest management practice for the island and requests that residents, businesses and pest control companies take the Bobcat Guardian pledge at www.savekiawahbobcats.com

MOVED, APPROVED, AND ADOPTED THIS 6th DAY OF OCTOBER 2020.

Craig Weaver, Mayor

ATTEST:

By: _____
Petra S. Reynolds, Town Clerk



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TOWN COUNCIL

Agenda Item

Town of Kiawah Island

Save Kiawah Bobcats Week

Proclamation

WHEREAS, Kiawah is world renowned for its bobcat population, which historically was one of the healthiest, densest bobcat populations in the country. Bobcats on Kiawah Island have been tracked annually using GPS collars since 2007 and this study is the longest continuous study on bobcats in the world.; and

WHEREAS, bobcats play a vital role in the Kiawah Island ecosystem by helping to control the island's deer and rodent populations.; and

WHEREAS, Kiawah's bobcat population has declined from 30-35 to less than 10 in the last 3 years.; and

WHEREAS, three adult bobcats have died directly from the lethal effects of anticoagulant rodenticides in the last 14 months; and

WHEREAS, the Town of Kiawah Island wishes to protect Kiawah's remaining bobcats by eliminating the use of anticoagulant rodenticides on Kiawah Island and encouraging the use of non-toxic rodent control methods or non-anticoagulant rodenticides to protect the wildlife and other natural resources of Kiawah Island; and

WHEREAS, the Town of Kiawah Island wishes to encourage residents, businesses and pest control companies to take the Bobcat Guardian pledge to stop the use of anticoagulant rodenticides at www.savekiawahbobcats.com.; and

NOW, THEREFORE, I, Craig Weaver, by virtue of the authority vested in me as Mayor of the Town of Kiawah Island, do hereby proclaim October 11 to October 17, 2020 as:

Save Kiawah Bobcats Week

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October 2020, in the Town Kiawah Island, South Carolina.

Craig Weaver, Mayor
Town of Kiawah Island