

# TOWN COUNCIL MEETING

Virtual Via Zoom

February 2, 2021; 2:00 PM

## MINUTES

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

**Present at the meeting:** John D. Labriola, *Mayor*  
Dan Prickett, *Mayor Pro Tem*  
Maryanne Connelly, *Councilmember*  
John Moffitt, *Councilmember*  
Dr. Scott Parker, *Councilmember*

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

**Conservancy:**

Richard Warner, *Board Chairman*  
Donna Windham, *Executive Director*

**Charleston County:**

Jenny Honeycutt, *County Councilmember*  
Devri DeToma, *Project Manager*  
Mitchell Metts, *Project Manager of Segment A*  
Chris Gossett, *Project Manager of Segment C*

II. **Approval of Minutes:**

A. Minutes of the Town Council Special Call Meeting of January 5, 2021

*Mayor Pro Tem Prickett made a motion to approve the minutes of the January 5, 2021 Special Call Town Council Meeting. Councilmember Parker seconded the motion, and the minutes were unanimously approved.*

B. Minutes of the Town Council Meeting of January 5, 2021

*Councilmember Connelly made a motion to approve the minutes of the January 5, 2021 Town Council Meeting. Councilmember Moffitt seconded the motion.*

As a follow-up on the previous Main Road Corridor project discussion, Councilmember Parker asked if any comments were received from the Community Association or Seabrook. Both Mayor Labriola and Ms. Tillerson confirmed that none had been received.

*Following the discussion, the minutes were unanimously approved.*

III. **Mayor's Update:**

Mayor Labriola thanked the Councilmembers for their attendance at the Council Retreat and that they continue to feel it a worthwhile effort. He noted that along with the Retreat's minutes, Town Notes in April would provide another opportunity for the community to review the priority items that were discussed.

along with having varying roof heights across the island. Staff worked with the Architectural Review Board (ARB) and others to establish the definition of "Base Building Height Elevation." The new term would be an added definition within the zoning ordinance and inserted into the Building Height definition to measure building heights based upon the numeric value of the 2004 base flood elevation.

Mr. Taylor stated that the Planning Commission reviewed the text amendment and unanimously recommended approval.

***Mayor Pro Tem Prickett motioned to move into the Public Hearing. Councilmember Parker seconded the motion, and it was unanimously approved.***

No Public Comments were submitted.

***Mayor Pro Tem Prickett motioned to move back into Regular Session. Councilmember Parker seconded the motion, and it was unanimously approved.***

***Councilmember Parker made a motion to approve the first reading of Ordinance 2021-01. Councilmember Moffitt seconded the motion.***

Councilmember supported the ordinance and the approach taken to resolve the problem.

Ms. Tillerson indicated there were some questions submitted:

Mr. Mark Hammonds asked about the FEMA regulation of the 50% renovation threshold rule in which a building must be brought up to current codes, including base flood elevation, which elevation would be utilized. Mr. Taylor stated that the change would only impact determining or interpreting height. Any changes from a construction standpoint would need to meet the new flood maps' standards recently adopted.

The question was asked what situations and considerations have been given to the effects of lower base flood elevations on older homes in the community. Mr. Taylor stated that in looking at all properties on the island, elevations were lowered from a range of about one to five feet. Older properties that have been developed to the older maps would essentially be developed at the same level based on the height determination.

Mr. Taylor indicated a question asked is if the new ordinance potentially results in new buildings being higher than surrounding trees. He stated that the ordinance would keep building heights in line with existing heights.

Mayor Labriola requested that Mr. Taylor provide a written response to the questions submitted.

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

**B. To Consider Approval of *Ordinance 2021-02* - An 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**

Mr. Wilson stated that under State Law, an Emergency Ordinance could only be in effect for 61 days, which has required that the Town and other cities approve an extension of the Emergency Ordinance every two months. With the South Carolina Municipal Association (MASC) encouragement, cities have considered making Emergency and Mask Ordinances semi-permanent,

provided they are considered and approved under the normal procedures that require two readings. He noted that the permanent Emergency Ordinance presented would automatically expire at the end of 2021 or when the governor stops extending the state of Emergency, whichever occurs first.

Mr. Wilson pointed out that the current Emergency Order extension is required to keep an Emergency Ordinance in place until the permanent ordinance has had its second reading. Ordinance 2021-02 includes changes to incorporate modifications in the Governor's Executive orders and would expire March 2, 2021.

***Mayor Pro Tem Prickett made a motion to approve Ordinance 2021-02, amending the existing Emergency Ordinance to extend the expiration date and substitution of Executive Order 63 for Executive Order 73. Councilmember Parker seconded the motion.***

Councilmember Parker stated that since more contiguous variants of the virus have been discovered, he would suggest striking item (E) A person who is engaging in strenuous exercise or physical activity from Section (4) listing mask-wearing exemptions. Councilmembers engaged in an in-depth discussion of Councilmember Parker's opinion that a mask should be worn while exercising in close proximity at a sports facility, issues with enforcement, that exemptions listed were adopted from the Governor's Order, and changes made since that time.

***Councilmember Parker made a motion to amend the amendment striking exemption (E) A person who is engaging in strenuous exercise or physical activity, from Section (4). The motion was seconded by Councilmember Moffitt.***

Mr. Wilson asked for a roll call vote be taken:

Mayor Labriola	NO
Mayor Pro Tem Prickett	NO
Councilmember Maryanne Connelly	NO
Councilmember Moffitt	YES
Councilmember Parker	YES

***The motion failed by a three to two vote.***

***Following the discussion, the motion to approve Ordinance 2021-02 was unanimously approved.***

- C. To Consider Approval of **Ordinance 2021-03** - An 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 - **First Reading**

Mr. Wilson indicated that Ordinance 2021-03 is the permanent Emergency Ordinance which will require two reading.

***Councilmember Connelly made a motion to approve the first reading of Ordinance 2021-03. The motion was seconded by Councilmember Parker and was unanimously approved.***

- D. To Consider Approval of a Modified Program from Charleston Area Therapeutic Riding for the use of Charitable Grant Funding

Ms. Szubert stated that for the past ten years, the Town had designated funds to go to programs offered to the community by local non-profit organizations. In 2020 Council approved funding for

a program application submitted by Charleston Therapeutic Riding in which they provided riding sessions for disabled students in schools on Johns and Wadmalaw Islands. With the COVID restrictions, the sessions had to be canceled and the program remodeled from in-person to virtual. Charleston Therapeutic Riding submitted a request for the funding to be spent on the modified program. Mayor Labriola question what the Town's expectations were on the expenditure of the funds awarded. Ms. Szubert explained that an applicant must include an accounting of the previously awarded funding when submitted additional funding requests.

**Mayor Pro Tem Prickett made a motion to approve the reallocation of Charitable Grant funding to the modified program from Charleston Area Therapeutic Riding. The motion was seconded by Mayor Labriola.**

Councilmembers discussed if there was an option to continue supporting the program in the future but redirect the awarded funds to another organization able to provide the program services.

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

- E. 2021 Committee Appointments
- Planning Commission

**Councilmember Parker made a motion to appoint the new members, Ms. Kaye and Ms. Stathis, to the 2021 Planning Commission as presented. Mayor Pro Tem seconded the motion and was unanimously passed.**

- Board of Zoning Appeals

**Councilmember Connelly made a motion to appoint the new members, Mr. Berner and Mr. Rosenfeld, to the 2021 Board of Zoning Appeals as presented. Councilmember Parker seconded the motion and was unanimously passed.**

- F. To Consider Approval of **Ordinance 2021-04** - An Ordinance to Amend Article 14, General Regulations, Chapter 1, Flood Damage Prevision, Division 1, General Standards, and Division 3, Provisions for Flood Hazard Reduction to add Definitions of Manufactured Homes, and Manufactured Home Parks and add a Prohibition on Same – **First Reading**

Mr. Wilson explained that FEMA is asking the Town to amend its Flood Ordinance to include the definition and ban of manufactured homes. Until the amendments are made, FEMA has suspended the Town from the National Flood Insurance Program. The approval of an ordinance to make the amendments requires two readings at least six days apart. To have it become effective immediately upon the first reading, an Emergency Ordinance (**Ordinance 2021-05**) will be introduced as a temporary ordinance until the second reading of the permanent ordinance (**Ordinance 2021-04**). Mr. Wilson noted that substantively the ordinances are identical.

To Consider Approval of **Ordinance 2021-05** - An Emergency Ordinance to Amend Article 14, General Regulations, Chapter 1, Flood Damage Prevision, Division 1, General Standards, and Division 3, Provisions for Flood Hazard Reduction to add Definitions of Manufactured Homes, and Manufactured Home Parks and add a Prohibition on Same

**Councilmember Moffitt made a motion to approve Emergency Ordinance 2021-05. Mayor Pro Tem Prickett seconded the motion.**

Mayor Pro Tem Prickett questioned if the Ordinances would prevent a general contractor from using a manufactured home as an office on a construction site. Mr. Spicher confirmed that the

ordinance only addressed manufactured homes used for a permanent residential dwelling, not a temporary job trailer.

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

*Councilmember Moffitt made a motion to approve the first reading of Ordinance 2021-04. Councilmember Connelly seconded the motion and was unanimously approved.*

In the earlier appointments, Mayor Labriola stated that the reappointment of the existing members of the Board of Zoning Appeals and the Planning Commission was not addressed.

*Councilmember Parker made a motion to reappoint Mr. Farabee, Mr. Lewis, and Mr. Hannan to the 2021 Board of Zoning Appeals and Mr. Dowdy and Mr. Capelli to the 2021 Planning Commission. Councilmember Connelly seconded the motion and was unanimously passed.*

**IX. Town Administrator's Report:**

Ms. Tillerson reminded members that the Town disperses information on COVID in various ways. A one-page sheet given to the Community Association Security and any visitors entering the main gate with a guest or short-term rental pass receives a copy of the COVID requirements. She also indicated that an eBlast would be sent out to provide COVID information to the public.

**X. Council Member:**

- a. Committee Updates
- b. General Comments

Mayor Pro Tem Prickett stated that both the Public Safety and Ways and Means Committees were asked to begin to develop a procedure that the Town would adopt for securing emergency funding. A draft of the procedure is in the review process and will be presented to Council for approval.

Mayor Pro Tem Prickett stated that at the Special Call Ways and Means Committee meeting, a request to amend the existing Parkway Landscaping contract for additional irrigation repairs was considered and approved. The irrigation system required much more repair than first anticipated.

Councilmember Connelly stated during last year; the Public Safety Committee has been working with EMS to improve response times on Kiawah. In addition to requesting funding for three new ambulances, Medic 10, outside Kiawah, was staffed with personnel on over-time shifts that have been established to reduce shortages due to the pandemic.

Councilmember Connelly commented on the seriousness of the escalating COVID situation. She stated that personal behavior is essential to managing the virus's spread, especially with the at-risk population. In the previous discussion of wearing masks while exercising, for many people, the ability to exercise is extremely important for their well-being. She felt that going to a gym was a personal choice, and that choice made the decision not to require wearing masks while exercising more acceptable.


**XI. Citizens' Comments:**

None

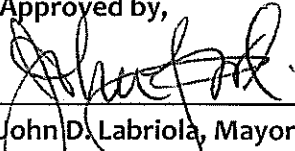
**XII. Adjournment:**

Councilmember Connelly made a motion to adjourn the meeting at 3:14 pm. Mayor Pro Tem Prickett seconded the motion and was unanimously passed.

Submitted by,

  
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Petra S. Reynolds, Town Clerk

Approved by,

  
\_\_\_\_\_  
John D. Labriola, Mayor

3-5-2021  
Date