

TOWN COUNCIL MEETING
Municipal Center Council Chambers
October 12, 2021; 2:00 PM

MINUTES

- I. **Call to Order:** *Mayor Labriola called the meeting to order at 2:00 pm.*
- II. **Pledge of Allegiance**
- III. **Roll Call:**

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

Also Present: Stephanie Tillerson, *Town Administrator*
Joe Wilson, *Town Attorney*
Petra Reynolds, *Town Clerk*
Brian Gottshalk, *Public Works Manager*

- IV. **Approval of Minutes:**
 - A. Minutes of the Town Council Meeting of September 7, 2021

Dr. Parker made a motion to approve the minutes of the September 7, 2021 Town Council Meeting. Councilmember Connelly seconded the motion.

Dr. Parker noted two minor grammatical errors in the minutes.

The minutes were unanimously approved as amended.

- V. **Mayor's Update:**

Mayor Labriola provided an update on the annexation item discussed at the September Council meeting. He stated the applicant would be changing their request annexation and had submitted a request to the County to subdivide the 82-acre site with the new survey identifying just the commercial site. He noted that a new annexation request had not been submitted to the Town by the applicant. Once received, the new annexation request will be sent out to the community at large.

- VI. **Citizens' Comments (Agenda Items Only):**

Doug Benham – 119 Ocean Course Drive

Mr. Benham indicated that he wanted to discuss the proposed changes in the Town's noise ordinance. He questioned why changes were being considered to an ordinance amended less than eighteen months ago, which unambiguously defined as illegal amplified music which could be heard off your property. He went over his concerns and hoped that the discussion would provide transparency on the reasons for revisiting and non-enforcement of the ordinance. Also he was concerned that the proposed revisions provided residents significantly less protection against noise pollution compared to similar ordinances in other communities.. Mr. Benham encouraged Council to reject the proposed draft and institute a meaningful noise ordinance that achieves a quality of life that Kiawah residents deserve.

VII. Consent Business:

- A. To Consider Approval of **Ordinance 2021-11** - An Ordinance to Amend Article 9 - Building and Building Codes, Chapter 1 - General, Division 2 - Construction Documents, Section 9-18. - Submittal Documents and Chapter 4 - Permits, License, and Fees, Division 2 - Licenses, Section 9-201. - Licenses, And Section 9-202. – Definitions – **Second and Final Reading**
- B. To Consider Approval of **Ordinance 2021-12** - An Ordinance to Amend Article 15 – Burning of Combustible Materials, Chapter 1 – Offenses Against Property, Section 15-105. – Burning of Combustible Materials– **Second and Final Reading**

Mayor Labriola stated that the two consent items were carried over from the September 7th meeting.

Councilmember Connelly made a motion to approve the second and final reading of Ordinance 2021-11 and Ordinance 2021-12. Dr. Parker seconded the motion, and it was unanimously approved.

VIII. New Business:

- A. To Consider Approval of Support to the new Sea Islands MUSC Emergency Center Project In the form of naming rights for the Town of Kiawah Island in the amount of \$1,000,000 over five years

Mayor Labriola stated the request was to consider approval to support the new Sea Islands Emergency Room (ER) Center Facility that is being constructed by MUSC (Medical University of South Carolina). He noted the importance of funding support and the opportunity to take somewhat of a leadership role in working with MUSC in designating a site in the ER Center Facility for the Town.

Ms. Tillerson stated following an MUSC presentation at the River Course, Councilmember Connelly asked Ms. Tillerson to pursue the idea for Council to consider working out naming rights for the new ER Center Facility.

Ms. Tillerson spoke to MUSC, who was very excited that the Town expressed an interest in possibly partnering in the form of naming rights. After reviewing the various contribution levels, the recommendation is for the Council to consider a \$1,000,000.00 commitment to MUSC over five years for the Town of Kiawah Island Garden. She presented conceptual renderings of what the garden may look like and indicated that if approved, there would be an opportunity for the Town to work with MUSC to design the look and feel of the space.

Ms. Tillerson stated the Town was allocated \$880,000.00 in funding through the ARP (American Rescue Plan), of which \$440,000.00 had been received, with the other half expected next year. Since the MUSC project falls within the use guidelines, Council could use a portion or all of the funds received to offset the project's cost.

Councilmembers' discussed the proposed location and size of the garden, the amount of committed funds required to begin construction of the project, the importance of supporting a facility that would provide emergency, transport, and primary care services to Kiawah and the community, and the level of services that would be provided in the facility. Also discussed were efforts by the County and EMS to improve response times to Kiawah.

Mayor Pro Tem Prickett made a motion to approve the support to the new Sea Islands MUSC Emergency Center Project in the form of naming rights for the Town of Kiawah Island in the amount of \$1,000,000 over five years. Councilmember Parker seconded the motion, and it was unanimously approved.

- B. To Consider Approval of the Arts and Cultural Events Council Appointments

Councilmember Connelly made a motion to approve the appointment of Dylan Keith and Kimberly Adele to the Arts and Cultural Events Council. Councilmember Moffitt seconded the motion, and it was unanimously approved.

C. To Consider Approval of the reappointment of Stephan Rolando to the St Johns Fire District Commission

Mayor Pro Tem Prickett made a motion to approve the reappointment of Stephan Rolando to the St. John's Fire District Commission. Councilmember Parker seconded the motion, and it was unanimously approved.

D. Discussion the draft Ordinance 2021-10 - An Ordinance of The Town Council of the Town of Kiawah Island Amending Section 15-306 (Noise) of the Kiawah Island Code of Ordinances – Discussion only

Mr. Wilson explained that in June 2020 Council considered amending the noise ordinance to address issues with a problematic sentence deeming a violation of any noise that crossed a property line and the absence of an objective decibel level measurement. At that time, the objectionable language was removed, and a subjective violation was added; any loud noise of such character intensity and/or duration as to disturb, injure and/or endanger the comfort, repose, health, peace, or safety of others. Also added was an objective 60 decibel limit as a violation only after 11 pm.

Mr. Wilson indicated the Town has a very simple, straightforward noise ordinance that is legally acceptable. The question of the need for a subjective violation or to only have an objective decibel level violation has been raised and debated. He reviewed some of the issues that could arise in subjective violations. He asked for a discussion of the violations as policy-oriented rather than legal-oriented to obtain feedback and guidance from the Council on whether a subjective measure should be kept in place or just go with decibel limits.

Councilmembers discussed the proposed language, subjective violations, the reason for considering changes to the ordinance, comparisons to ordinances in other coastal municipalities that include both violations, in addition to a separate decibel limit. Also discussed were decibel levels, with Mr. Wilson stating that nighttime level limits fell between 45 to 55 decibels, the most common being a 50, and daytime level limits at 55 or 60. He also noted that limits could be set for different areas of the island.

Mayor Labriola felt that subjective language should apply only to unique circumstances and not set limits, or a platform would be a disservice to the community. Dr. Parker questioned if there were distance measurements. Mr. Wilson indicated there is a distance measurements of 50 feet out and where the measurement is taken. In his experience, he felt the complainant's property line was the best place for measurement with the current ordinance stating at the inside of the nearest complainant's property line. Councilmembers discussed if there were exceptions for events, options of subsection language and the blending of language for subjective and objective violations, adjustments that could be made to times and decibel levels, daytime complaints, and background on setting decibel level at 60 in the current ordinance. Councilmembers also reviewed noise ordinances from other municipalities.

Mayor Labriola suggested a comparison of the Town's current noise ordinance to those from other Resort coastal communities. Dr. Parker also suggested escalating penalties for those sequentially and chronically in violation.

Mayor Labriola indicated that further input can be submitted and will be considered.

Roger Warren – 8 Sand Alley

Mr. Warren, President of the Resort, stated the discussion of the noise ordinance was of great importance to Resort's operation. He provided history on a complaint filed 10- or 12-years ago for a noise ordinance violation at Mingo Point that was challenged with the Municipal Court Judge. The judge threw the case out because it was, in his words, "unconstitutional" based on the subjectivity of what was there. He believed that no changes had been made to the noise ordinance since that time until recently. The Resort is the single largest organization with activities in the evening where someone could take

Council may act on matters discussed in Executive Session after exiting Executive Session.

Mayor Pro Tem Prickett made a motion to exit Executive Session and return to Regular Session. Councilmember Parker seconded the motion, and it was unanimously approved.

Mayor Labriola stated Council discussed the personnel matter relating to the Town Administrator.

Councilmember Connelly made a motion to allow the Mayor to negotiate the contract with the Town Administrator. Councilmember Moffitt seconded the motion, and it was unanimously approved.

X. Town Administrator's Report:

Mr. Jordan updated the Council on Clemson Study and the SGA (Second Generation Anticoagulant) regarding the issues with the island bobcats. He stated this week was Save the Bobcats week, with Ms. Braswell pushing out a lot of social media content that was well received and generated a great deal of interest. He also stated an interview on the Kiawah Bobcat issue with ABC New 4 would air this evening.

Mr. Jordan stated animals continue to be tested to look for anticoagulant concentrations. SGA levels are showing a decline from the levels six months to a year ago. Bobcat numbers are showing a slight rebound with good reproduction this year and more resident sightings.

Mr. Jordan stated Council met the research crew of the Clemson Research Project when they were on Kiawah. Ms. Keating, the Ph.D. student is officially at Clemson now, and work has begun on her detailed research proposal, which should be received by December 1st. Mr. Jordan was asked to work on Ms. Keating's committee and will be involved in all the decisions regarding the project and how the data will be analyzed. He indicated that fieldwork is ready to start in February 2022. He also noted that no additional funding commitments had been received and is still waiting on commitments from the Community Association and the Conservancy. The Conservancy is waiting on the full proposal and board approval, and the Community Association has a placeholder of \$25,000.00 for next year's budget.

Mr. Gottshalk gave updates on the open projects in the Public Work Department. The fabrication of new signs for the Parkway is underway. The vendor has completed all the work and is waiting on the delivery of the timber, which was expected to take eight weeks. Installation of the completed signs is anticipated to be before Thanksgiving.

Mr. Gottshalk stated that the landscape maintenance contract, the landscape installation at the Municipal Center, and the Beachwalker Drive pedestrian and bicycle safety project are currently out for bids. The bids close Friday, October 15th after which the submittals will be reviewed and a recommendation made to the Ways and Means Committee at the end of the month.

Mr. Gottshalk stated that the approval needed for the Kestral Court site had been obtained from the ARB and Berkley Electric with working continuing with Southwest on the specific language in the land lease agreement. The next phase will be to have LS3P produce the construction-ready design documents to be sent out for bid.

XI. Council Member:

- a. Committee Updates
- b. General Comments

Councilmember Connelly reported that in Public Safety, Chief Walz, the fire chief of the St. John's Fire District's (STJFD), has retired and moved back to Pittsburg. Chief Ryan Kunitzer was named as her replacement. She also reported on the \$660,000.00 grant the STJFD has received, which will provide paramedic training for 20 firefighters.

Councilmember Connelly reported on the EMS vehicle to be stationed at the firehouse and used when EMS staff is on-site.

Mayor Pro Tem Prickett reported on the two major initiatives going on within the County. The most recent announcement was the extension of I-526. With the importance to the community, he encouraged all Kiawah residents to submit their comments to the County. He reported on the Main Road Corridor Program Sections A, B, and C, which impacts Kiawah residents the most. He stated that Mr. Taylor has been leading a task force that includes Paul Roberts, who has studied the road issues for the last 20 years, former mayor Charlie Lipuma and he has also been involved. Regular meetings with Seabrook and representatives from Johns Island have taken place to see if common ground could be achieved on the issues. He noted that Kiawah and Seabrook have a good understanding of what is thought of as a good alternative to meeting the community's needs and help in moving forward. Once finalized, the hope is to present to both Town Councils and the County's representatives.

Councilmember Parker reported on the Go Greener interagency as hoc working group. He stated that great progress has been made and that he and Ms. Braswell have been working on crafting a formal communication for the residents scheduled to go out later this week. He noted that each organization has committed to a multi-year timeline to do things within their organizations to help reduce the carbon footprint.

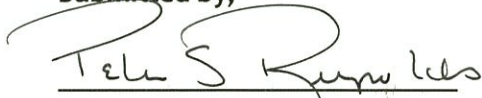
XII. Citizens' Comments:

None

XIII. Adjournment:

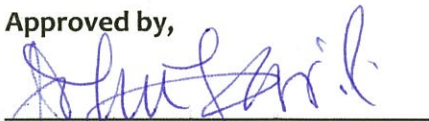
Councilmember Connelly made a motion to adjourn the meeting at 5:06 pm. The motion was seconded by Councilmember Parker and was unanimously passed.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor

11-8-2021

Date