

TOWN COUNCIL MEETING

Municipal Center Council Chambers

April 5, 2022; 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*
John Moffitt, *Councilmember*
Dr. Scott Parker, *Councilmember*

Also Present: Stephanie Tillerson, *Town Administrator*
Joe Wilson, *Town Attorney*
John Taylor, Jr., *Planning Manager*
Petra Reynolds, *Town Clerk*
Tommy Manuel, *Kiawah ARB Director*
Jennifer Hayes, *ARB Landscape Coordinator*
Amanda Mole, *ARB Architect Member, and ARB Board Chairman*
Mark Permar, *ARB Architect Member*

IV. **Approval of Minutes:**

A. Minutes of the Town Council Retreat of January 13, 2022

Mayor Pro Tem Prickett made a motion to approve the minutes of the January 31, 2022, Town Council Retreat. Councilmember Parker seconded the motion, and it was unanimously approved.

B. Minutes of the Town Council Retreat of January 14, 2022

Mayor Pro Tem Prickett made a motion to approve the minutes of the January 14, 2022, Town Council Retreat. Councilmember Connelly seconded the motion, and it was unanimously approved.

C. Minutes of the Town Council Workshop of February 8, 2022

Councilmember Connelly made a motion to approve the minutes of the February 8, 2022, Town Council Workshop. Councilmember Moffitt seconded the motion, and it was unanimously approved.

D. Minutes of the Town Council Workshop of February 22, 2022

Minutes were deferred until the next meeting

E. Minutes of the Special Call Town Council Meeting of March 1, 2022

Mayor Pro Tem Prickett made a motion to approve the minutes of the March 1, 2022, Town Council Meeting. Councilmember Moffitt seconded the motion, and it was unanimously approved.

V. **Mayor's Update:**

Mayor Labriola stated that the Town intervened in the Kiawah Island Utility (KIU) rate increase case. Mr. Pringle, the attorney representing the Town, provided an update on March 28. The case has since been concluded with a substantial reduction in the proposed rate increase that KIU requested.

VI. Citizens' Comments (Agenda Items Only):

Maura McIlveen – 146 Blue Heron Pond Road

Ms. McIlveen stated that members of the *Reform it Now* group have attended both Council and meetings with staff to work on an annexation manual and revisions to the planned development ordinance. She noted a recent impasse on language in the manual, but with the Mayor's help, a resolution had been reached this morning.

Ms. McIlveen stated that as a resident, she was concerned with the Architectural Review Board (ARB) issue. She expressed her distress with the language used in the notice released by the Town.

Brad Belt – 151 Bobcat Lane, member of the Riverview POA Board

Mr. Belt expressed his disappointment at not having the opportunity to respond to the ARB presentation. He noted that the issue was not just with The Cape but with future development and if the same types of actions and behaviors which recently destroyed critical maritime habitat can be expected in the future. Mr. Belt read excerpts from the Town's vision statement and the ARB's *Designing with Nature* standards. He expressed his view that the entitlements taken by ARB and the developer were beyond what is limited by the Development Agreement and his hope that the Town would look out for the community's interest and hold the developer accountable.

VII. Presentation:

A. Architectural Review Board Regarding The Cape – Tommy Manuel, ARB Director, Kiawah Partners

Mr. Manuel began by reviewing the ARB website noting the documents available and that inquiries from the community are welcome. He outlined the phases of ARB's project review process, including the *Designing with Nature* guidelines, noting that the same process was carried through regarding The Cape development.

Mr. Manuel stated the documents specifically relating to The Cape project were provided by the developer, East West Partners, and their design team. The documents included the site development, tree protection, landscape plan, and mitigation requirements. Ms. Hayes detailed the timeline and documents provided during the preliminary project review, final board review, and permitting process. Specific plans, overall planting plan or schematic design plan, plat schedule, and tree protection and fencing plan were selected, and the plan notes were reviewed to address the concerns raised by the community. Also included images from the final landscape submittals showing the intended landscape at the end of the project, the re-creation of some dune areas within the project, the creation of substantial buffers along the side property lines, and the dune garden area. Also reviewed was a tree count analysis, how many trees would be required to settle the project into an environment that set the perimeter of 70% of existing trees for The Cape project, along with a detailed review of the unapproved design changes to the original landscape plan and the mitigation plan.

Discussion included the compliance of the mitigation plan on the project completion, frequency of ARB project site reviews, ARB board project review process, language used in the Town's

notification, the unapproved design changes were discovered in July of last year, and that the ARB approved the mitigation plan submitted by the contractor.

Mayor Labriola confirmed that the ARB could be contacted directly for any community questions, concerns, or comments. Mr. Manual indicated that a full description of each of the steps taken within the process would be shared. Ms. Hayes added that any private project information would require the developer's approval.

VIII. Old Business:

None

IX. Consent:

- A. To Consider Approval of the Proposal from Revize for Website Redesign
- B. To Consider Approval of the AirMedCare Contract Renewal
- C. To Consider Approval of the Purchase of New Town Vehicles

Mayor Labriola indicated that the three consent items were considered and recommended for approval by the Ways and Means Committee.

Councilmember Parker made a motion to approve the Proposal from Revize for Website Redesign, the AirMedCare Contract Renewal, and the Purchase of New Town Vehicles. Councilmember Connelly seconded the motion, and it was unanimously approved.

X. New Business:

- A. To Consider Approval of **Ordinance 2022-01** - An Ordinance of The Town Council of the Town of Kiawah Island Repealing Section 15-306 (Noise) of the Kiawah Island Municipal Code and Adding Chapter 8 –Noise Prohibited – **First Reading**

Councilmember Moffitt indicated that after the first reading of a noise ordinance at a previous Council meeting, the Mayor expressed his concern with the language, specifically with the ambiguous nature of the word “disturbed.” He requested that the ordinance be less ambiguous, easier to understand, and enforced with less subjectivity. As a result, a workgroup was formed with four residents and representatives of the Town, the Resort, the Kiawah Island Community Association, and the Beach Patrol.

The workgroup looked at ordinances from other coastal communities. The developed ordinance is structured and addresses what constitutes prohibited noise, and the hours of the day and night that noise is prohibited. Maximum decibel levels to be used as a threshold of a violation that is clear, easily understood, and easily enforced.

Councilmember Connelly made a motion to approve the first reading of Ordinance 2022-01 - An ordinance of The Town Council of the Town of Kiawah Island repealing Section 15-306 (Noise) of the Kiawah Island Municipal Code and adding Chapter 8 – Noise Prohibited. Councilmember Moffitt seconded the motion.

Councilmember Parker indicated that the hard work and input received were shown in the presented ordinance and asked for clarification on some areas of concern. Mayor Pro Tem Prickett indicated that he appreciated that members of the workgroup included representatives of the entities involved.

Following the discussion, the motion to approve the first reading of Ordinance 2022-01 was unanimously approved.

B. To Consider Approval of the Charitable Grant Recommendations

Mayor Labriola indicated that the Ways and Means Committee reviewed the Charitable Grant recommendations. The presented funding recommendations reflected the adjustments requested by the Committee and were recommended to Council for approval.

Councilmember Parker made a motion to approve the 2022 Charitable Grant Recommendations. Mayor Pro Tem Prickett seconded the motion.

Councilmember Connelly discussed the Keeper of the Wild application, noting the programs address the health and well-being of the island's wildlife. She recommended that the organization receive a \$2000.00 funding allocation.

Mayor Pro Tem Prickett made a motion to approve the 2022 Charitable Grant Recommendations from the Ways and Means Committee in the amount of \$195,704.00. Councilmember Parker seconded the motion. Councilmember Connelly recused herself from the vote on the motion.

Councilmember Connelly made a motion to allocate a \$2,000.00 Charitable Grant to the Keeper of the Wild - Wildlife Rescue and Sanctuary. Councilmember Moffitt seconded the motion.

Following discussion, the motion to allocate a \$2,000.00 Charitable Grant to the Keeper of the Wild was unanimously approved.

Following the amendment to the motion to approve the 2022 Charitable Grant Recommendations, the amended motion was approved with Councilmember Connelly recusing herself from the vote.

C. Discussion of the Annexation Policy Plan and Procedures Manual

Ms. Tillerson stated that the Annexation Policy does not require Planning Commission approval but will be shared when the two text amendments are presented to the Commission at the April 6 meeting. If the Planning Commission recommends no substantive changes, the text amendment ordinances will be presented for Council consideration and first reading approval at the May Town Council meeting. Following the required Public Hearing, the second reading of the text amendment ordinances and the resolution to adopt the Annexation Policy and Procedures Manual will be presented for consideration and approval at the June Town Council Meeting.

XI. Town Administrator's Report:

Mr. Gottshalk provided an update on the Sora Rail project by stating that the architect has indicated that construction-ready drawings will be provided in the current week. Preparations are being made to send the project out for construction bidding once the drawings are in hand. Discussion included if the project could be completed by July 4.

Mr. Gottshalk stated the Town Hall Landscape project had been completed except for small colorful perennial plantings that will be installed once they are received. Councilmembers noted how much better the landscaping and sightlines look. Councilmember Connelly added at request to have flowering plantings around the entry sign.

Mr. Gottshalk stated that Truluck Construction, the Beachwalker Drive Safety Improvement project contractor, has communicated that they will have a crew on the project to begin construction as early as the end of the week. Communication of the construction schedule will be sent out to the community in an eBlast tomorrow.

- XII. Council Member:**
- a. Committee Updates
 - b. General Comments

Councilmember Connelly expressed that the Town’s new Public Safety Director, Mr. Harris, has already made significant contributions to the community and to the Town’s ability to enforce Town regulations.

Councilmember Connelly indicated that many of the previous comments received centered around the lack of enforcement of island speed limits. The issue is being resolved with deputies ticketing the speeders, and the results have shown that the majority of the speeders are not visitors but rather residents.

Councilmember Connelly stated that Mr. Harris has also developed a great relationship with the KICA representative, Mr. Ritchie. They will be working together on some of the other major issues, such as traffic.

Mayor Pro Tem Prickett stated that he, along with the Mayor, Ms. Tillerson, and Mr. Taylor, had the opportunity to meet with Charleston County Staff on Segment “C” of the JI roads project. Later this week, or early the next, there will probably be an announcement of a new set of options for Segment “C” consideration. On April 28 and May 12, public meetings will be held to discuss the new options, and he stressed the importance of looking at the information, attending the meetings, and making your voice heard.

XIII. Citizens’ Comments:

Paul Hennessy – 12 Blue Heron Pond Road

Mr. Hennessy commented on the noise ordinance that was presented earlier. He expressed his concerns about the noise disturbance and environmental damage of gas-operated 2-stroke leaf blowers and questioned how the standards of the noise ordinance might impact the use of the leaf blowers. Councilmembers’ responses included; that the use of leaf blowers in commercial operations is limited to certain hours and is an exception from the decibel levels limits. The current electric leaf blowers are not suitable for commercial use.

The following citizens made comments in reference to the ARB presentation regarding The Cape;

- David Sach – 9 Nicklaus Lane**
- Alex Fernandez - 418 Snowy Egret Lane**
- Jerry McGee - 17 Inlet Cove**

In response to Mr. McGee’s comment, Mr. Permar, Ms. Mole, and Ms. Hays tried to address specific questions not covered in the ARB presentation. In addition, Mr. Permar stated that holding a workshop focusing on a broader spectrum of ARB processes and standards would be beneficial.

- Maura McIlveen – 146 Blue Heron Pond Road**
- Brad Belt – 151 Bobcat Way**

In order to provide more detailed and accurate responses to the questions posed to the ARB members, Mayor Labriola asked that the ARB write down the specific questions or concerns, and the Town would publish the responses to provide a better understanding of the questions, the answers, and what was approved.

XIV. Adjournment:

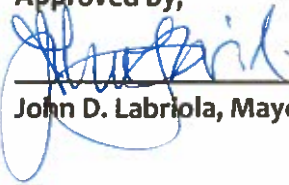
Mayor Pro Tem Prickett made a motion the adjourn the meeting at 3:52 pm. Councilmember Connolly seconded the motion, and it was unanimously passed.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor

Date