

# TOWN COUNCIL MEETING

Via Zoom

February 1, 2022; 2:00 PM

## AGENDA

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*  
Maryanne Connelly, *Councilmember*  
John Moffitt, *Councilmember*  
Dr. Scott Parker, *Councilmember*

**Absent:** Dan Prickett, *Mayor Pro Tem*

**Also Present:** Stephanie Tillerson, *Town Administrator*  
Joe Wilson, *Town Attorney*  
Petra Reynolds, *Town Clerk*  
Jack Pringle, *Attorney, Adams and Reese, LLP*  
Michael Sosnowski, *Barrier Island Ocean Rescue*  
Craig Harris, *Public Safety Director*  
Stephanie Braswell, *Communications Manager*  
Bruce Spicer, *Building Official*

IV. Approval of Minutes:

A. Minutes of the Town Council Meeting of January 11, 2022

*Councilmember Parker made a motion to approve the minutes of the January 11, 2022, Town Council Meeting. Councilmember Moffitt seconded the motion, and it was unanimously approved.*

B. Minutes of the Special Call Town Council Meeting of January 13, 2022

*Councilmember Moffitt made a motion to approve the minutes of the January 13, 2022, Special Call Town Council Meeting. Councilmember Connelly seconded the motion, and it was unanimously approved.*

V. Mayor's Update:

Mayor Labriola stated that in January, a very productive three-day Planning Retreat was held. He thanked the staff for the very informative presentations on work done in their departments and priorities for 2022.

Mayor Labriola stated that the first day of the Retreat dealt with the community's request that the Council considers making modifications to the annexation and zoning ordinance. Each of the 15 points highlighted was reviewed, and a follow-up meeting was held with community members to obtain feedback. The next meeting, on February 8, will be a workshop to review drafts of suggested changes incorporating thoughts and comments expressed and on using an ordinance or policy moving forward. It is the hope that following the workshop, there will be a more complete draft of the changes to be

released to the community for discussion at the February 22 meeting. The Town Hall format will allow the community to provide comments in person or email prior to the meeting.

Mayor Labriola noted that he had a meeting with Mr. Mark Permar on the Beachwalker development proposal. Mr. Permar shared the presentation and the comments and concerns expressed at the numerous community meetings he held with several groups. With many objecting to the development, the feedback focusing on the height of buildings, density, and traffic concerns will be taken back to the developer.

Focusing on the traffic concerns expressed, Mayor Labriola stated that the Town commissioned a traffic study of the entire Beachwalker Drive area last fall. The comprehensive study considered the developed and the undeveloped properties considering their entitlements and zoning requirements. The presentation on the status of the report is being scheduled.

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

Mr. Hennessy commented on the Kiawah Island Utility rate increase. He stated that rate increase is subject to a rigorous regulatory review; however, the utility is owned by a chain of private entities and expressed skepticism about their motivations. He questioned if the Town has the inherent technical skills to review and challenge the rate increase or rely on the state's utility commission. He pointed out that analyses of certain aspects can be complicated and must be done to assess the rate increase properly. Since this is a very important rate case, he hoped the Town obtained whatever technical assistance needed to feel competent to make a proper assessment.

**VII. New Business:**

**A. Discussion of the Kiawah Island Utilities Rate Increase**

Ms. Tillerson stated that the Town engaged the services of Mr. Pringle, an attorney very familiar with rate cases, to assist with the rate increase process and has filed the presented petition to intervene on behalf of the Town.

Mr. Pringle indicated that Mr. Hennessy's earlier comment is correct; KIU is owned by Southwest Water which operates in several states and owns other systems in South Carolina. Current rate cases are receiving more scrutiny from other state agencies than in the past. He provided a detailed explanation of the roles of the South Carolina Office of Regulatory Staff and the South Carolina Department of Consumer Affairs in assessing the rate case request, the role the Town can play in the process, and the opportunity for public comments in virtual hearings. He discussed some of the areas of the applications where input from the Town may provide context on what is asked for in the request. He recommended discussion on whether to consider presenting someone as a witness and filing a brief testimony of concerns on the issues, consider allowing residents to offer public testimony and if the Town would consider resolution with the applicant.

In a public comment, Mr. Todd Boney engaged in an in-depth discussion with Mr. Pringle on Southwest Water and other utilities in the organization being structured on operating margin target profitability ratio vs. rate of return target.

**B. To Consider Approval of a Land Lease Agreement with Kiawah Island Utility (SouthWest Water) for Wet Trash and Recycling Center at Kestrel Court**

Mr. Wilson stated that in working with KIU on the lease, some questions were raised on the insurance the Town is required to carry on the property by the landlord (KIU). There are minor details about

provisions and the policies that still have to be resolved, so he requested to carry the approval of the lease agreement over to the next council meeting.

**Councilmember Connelly made a motion to table the approval of a land lease agreement with Kiawah Island Utility (SouthWest Water) for the Wet Trash and Recycling Center at Kestrel Court. Councilmember Parker seconded the motion, and it was unanimously approved.**

C. To Consider Approval of the Beach Patrol Contract with Barrier Island Ocean Rescue

Mr. Harris stated the Town posted a Request for Proposals for Beach Patrol and Code Enforcement services. One bid proposal was received from Barrier Island Ocean Rescue (BIOR).

Staff worked with representatives from BIOR to discuss proposal amounts, working hours, and additional options. After lengthy discussions, Mr. Harris requested that the contracts with BIOR for Beach Patrol and Code Enforcement services remain separate. This would allow him time to do a more extensive view of code enforcement services. The existing code enforcement contract would be amended for the final one-year extension expiring in February 2023, and the new Beach Patrol contract would be Option 2 for \$584,000 annually.

Having participated in some discussions, Councilmember Connelly supported the proposal to leave the contract separate. She stated that Code Enforcement is an important service recognized by residents and supported giving Mr. Harris time to collect information on the issues and time frames to make intelligent recommendations on Code Enforcement services. The Beach Patrol contract had very few changes and was recommended to be approved.

Mr. Sosnowski explained the increase in the proposed Beach Patrol contract cost was attributed to a 42% increase in the wage rate for labor and a 45% increase in equipment expenses since the 2017 contract. In addition, there is an inflationary increase of 43%, which includes recruiting, retaining, and training employees, fuel, and equipment costs.

**Councilmember Moffitt made a motion to approve the Beach Patrol Option2 contract with Barrier Island Ocean Rescue for \$584,00.00. Councilmember Parker seconded the motion.**

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

D. To Consider Approval of the Amendment of the STR Code Enforcement Contract with Island Beach Services (Barrier Island Ocean Rescue)

**Councilmember Connelly made a motion to approve the STR Code Enforcement Contract Amendment with Island Beach Services (Barrier Island Ocean Rescue). Councilmember Parker seconded the motion, and it was unanimously approved.**

E. To Consider Approval of the Planning Commissioner Appointment

Mr. Moffitt stated that the appointment of Ms. Joanne Hennessy was recommended by the Chairman of the Planning Commission and is well qualified to serve as a Commissioner until 2024.

**Councilmember Connelly made a motion to approve the appointment of Ms. Joanne Hennessy to the 2022 Planning Commission. Councilmember Parker seconded the motion, and it was unanimously approved.**

F. To Consider Approval of the Construction Board of Appeals Appointment

Mr. Spicher presented two new appointees to the Construction Board of Appeals to replace Mr. Fullerton, who resigned, and Mr. Kunitzer, who is now the Fire Chief of the St. John's Fire District. Ms. Noel Kade, a local architect with extensive experience in design on both a federal, state, and local level, has agreed to fill Mr. Fullerton's seat. Chief Chris Wilhoit, St. John's Fire District Fire Marshal, had agreed to fill that seat.

***Councilmember Connelly made a motion to approve the appointment of Ms. Noel Kade and Chief Chris Wilhoit to the 2022 Construction Board of Appeals. Councilmember Parker seconded the motion, and it was unanimously approved.***

G. To Consider Approval of the Amendment to the existing Arts and Cultural Events Council Charter

Ms. Braswell stated the staff suggested changes to the current Arts and Cultural Event Charter, following suit with other committees that have moved towards the staff chaired positions and the addition of a full-time events coordinator to deal with some of the logistics that volunteers currently manage.

***Councilmember Connelly made a motion to approve the amendment to the existing Arts and Cultural Event Charter. Councilmember Parker seconded the motion.***

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

H. 2022 Committee Appointments

- Arts and Cultural Events Council

***Councilmember Parker made a motion to reappoint the current members to the 2022 Arts and Cultural Events Council. Councilmember Moffitt seconded the motion and was unanimously passed.***

- Audit Committee

***Councilmember Connelly made a motion to appoint Ms. Pamela Pollitt and reappoint the current members to the 2022 Audit Committee. Councilmember Parker seconded the motion and was unanimously passed.***

- SATAX Committee

***Councilmember Parker made a motion to appoint Mr. Steven Ellis and Ms. Jodi Rush and reappoint the current members to the 2022 SATAX Committee. Councilmember Moffitt seconded the motion and was unanimously passed.***

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

Mr. Spicher provided an update on the senior living facility. He spoke with Mr. Sykes, the lead architect on the senior living facility project. They have sold off a number of the units they have been working towards before getting construction started. Currently, the goal is for them to submit complete structural drawings for foundation-only permits in April of this year. The complete design package will be submitted either in the latter part of the fourth quarter of 2022 or, worst-case scenario, January 2023. Therefore, the completion date for the project is pushed back to the second or third quarter of 2024.

The Cape project is underway. Work is continuing on foundation work and some tower work (elevator shafts and stairwells), with things going pretty smooth. A permit was issued for the fire mains for the buildings to get that work underway. The cape project is slated to be completed barring any construction delays in the fourth quarter of 2023. At present, there have not had any submittals for the Beach Club portion of that building which includes two cottages, and we don't have any information as to when that may be submitted.

Ms. Tillerson provided an update on the Town's Garage, Kestrel Court, and Landscape projects. The garage project is moving right along, with the completion date slated towards the mid to end of February. Work on the Kestral Court continues. The new landscapers, Artigues, are onboard for the Landscape project. They have done work on removing dead materials.

Mayor Labriola asked when Kestrel Court was to be completed. Ms. Tillerson stated that the project was far behind and couldn't give a timeline right now. However, hopefully, it will begin before the peak season begins. Work can begin once the drawings are received, which should be in about three weeks, and KIU signs the lease agreement. The work should start in March and then hopefully be done by May, if not sooner.

**IX. Council Member:**

- a. Committee Updates
- b. General Comments

Ms. Connelly asked to make a comment; I have been thinking a lot about the Beachwalker properties and also any other properties that come in for our consideration as a council; there's always a common theme, if you read the letters from residents and also the meetings, we always hear about is a consistent issue of traffic and the impact of traffic. So as a Council, I would ask my fellow Councilmembers to consider that we should not move forward with anything until we have the Beachwalker plans identified and implemented. I feel that it is very hard to make decisions without knowing that.

Councilmember Parker agreed with Ms. Connelly stating; I have been having similar thoughts. I recognize that developers haven't submitted an amendment agreement yet, but I would like to see what the impact of the development of The Cape, The Beach Club, and build out on Parcel 13 looks like before we move forward with anything because I would like to have tangible visual proof of what that looks like.

Councilmember Moffitt stated; I would go along with those Councilmembers Connelly and Parker's thoughts.

Councilmember Moffitt stated that at the Mayor's request, an Ad Hoc Noise Workgroup was established. The first meeting will be via Zoom and is scheduled for Friday, February 4, at 1:00 pm. He reviewed the members of the workgroup; Brian Gerard, the director of golf, will represent the Resort, Carl Ritchie, KICA Security Director will represent KICA, Michael Sosnowski, nighttime Code Enforcement Officer, and four citizen members, Doug Benham, Harry Bell, Michael Heidingsfelder and Lynn Schroeder. He reviewed the information gathered and the charge for the workgroup at the Friday meeting.

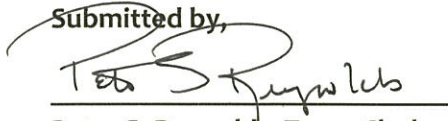
**X. Citizens' Comments:**

None

**XI. Adjournment:**

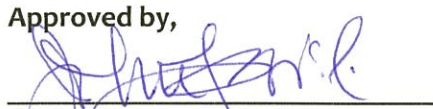
Councilmember Parker made a motion the adjourn the meeting at 3:30 pm. Councilmember Connelly seconded the motion and was unanimously passed.

Submitted by,

A handwritten signature in black ink, appearing to read "Petra S. Reynolds", written over a horizontal line.

Petra S. Reynolds, Town Clerk

Approved by,

A handwritten signature in blue ink, appearing to read "John D. Labriola", written over a horizontal line.

John D. Labriola, Mayor

3-4-2022

Date