

Town of Kiawah Island
TOWN COUNCIL MEETING
Live Streamed
April 8, 2020; 11:00 am

Special Call Meeting

Minutes

I. Call to Order: Mayor Weaver called the meeting to order at 11:00 am.

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*
Stephanie Braswell Edgerton, *Town Communications Manager*
Petra Reynolds, *Town Clerk*

II. New Business:

- A.** To Consider Approval of the Amendment of **Ordinance 2020-02** – Regarding Short-Term Rentals and Current Rentals, Donation of the Net Amount of Fines Collected by the Town Related to Rentals, Temporarily Suspending the Franchise Agreement with Island Beach Services, Penalties for Violation of the Emergency Ordinance, and Take Additional Measures to Protect the Public.

Mayor Weaver indicated this meeting was a follow up to yesterday's Town Council meeting. At the meeting, there was a discussion of several different measures that the Council wanted to consider adding to Emergency Ordinance 2020-02. He stated that one action was related to support the Freshfields grocery store concerning their operations, and the other all have to do with addressing issues encountered regarding short-term and, ultimately, long-term rentals.

Mayor Weaver stated that Ms. Tillerson and Mr. Wilson worked into the evening to capture yesterday's discussion and make the amendment to the Ordinance. Reviewing one paragraph at a time, a summary of the language change will be given to make sure that it reflects what the Councilmembers were trying to accomplish.

Paragraph 6 – Mr. Wilson explained that the language which deals with punishments for Short-Term Rental violations was changed to reflect that punishments were limited to Civil infractions under the Kiawah Town Ordinance. He clarified that civil infractions could include civil fines or the revocation or suspension of a business license. He also clarified that civil or criminal penalties under state or federal law, including violations referenced in the Governor's executive order, are available to the Town. Councilmembers agreed to the changes.

Paragraph 7 – no changes

Paragraph 8 – Ms. Tillerson stated that the Short-Term Rental definition was extended to 90 days or less. She noted that the effective date remaining on April 4th or changed to another date would have to be discussed and approved by the Council. She stated that in addition, the language provides that guests that are currently checked-in can extend their rental if they remain in the same property, under the same name, and the same company. It does not prohibit an owner from coming to stay

on their property or if they have a guest, not a renter, staying at the property. Mayor Weaver clarified the explanation of the rental extension by adding that if the renter is in a situation where the property they are renting is no longer available, they will not be allowed to move to a new property. The move would be considered a new booking and not allowed by a prior action. Councilmembers discussed and agreed to the rental extension changes.

Mayor Weaver indicated that the other change in the paragraph revising the definition of Short-Term Rental was in reaction to the sudden number of rentals that were over thirty days. Technically not a Short-Term Rental allowing those to continue was inconsistent with the original intent to stop new rental on the island. Discussion of the effective date pointed out that with an effective date of April 4th any booked rental that has not yet arrived, will not be allowed to check-in. Since this is a recent change, members discussed the many variables involved with any potential arrivals settling on an effective date of April 4th with the addition of a process that would allow an exceptional circumstance appeal to the Town providing documentation. Councilmembers discussed and agreed to the definition and effective date changes.

Paragraph 9 – Mayor Weaver explained that the Freshfields grocery store is under a requirement to regulate the occupancy and monitor the number of people in the store. The limit may require restricting access and holding people outside until there is availability for them to enter. The store has requested a requirement to limit the number of people from a single-family or group to one-person with exceptions being made in those instances where assistance is required. The provision would allow the store the ability to enforce the one-person rule. Councilmembers discussed and agreed to the one-person regulation changes.

Paragraph 10 – Mayor Weaver explained that the intent of the language was not to eliminate or otherwise unduly impact Island Beach Services’ business but try to deal with an issue on the beach. The concern was that the commercial activity on the beach was not consistent with the Governor’s order to promote and motivate people to stay at home. It does not suspend Island Beach Services’ business. However, it restricts them from doing business on the beach while still allowing them to deliver rentals to homes or driveways similar to other entities on the island. He noted that the effective date would be at 5:00 pm on April 9, 2020. Councilmembers agreed to the language changes.

Paragraph 11 – Mr. Wilson explained that this language is almost repeat of the violations paragraph but expands to include all items in the emergency orders and violations of the orders. It clarifies the listing of the civil fines and the revocation or suspension of a business license under the Kiawah Ordinance and, in addition, could face any civil or criminal penalties under State law. Councilmembers discussed and agreed to the language changes.

Paragraph 11 – Ms. Tillerson explained that as requested by Council, all net fines 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. Councilmembers agreed to the language changes.

Councilmember Connelly made a motion to approve Ordinance 2020-02 as amended. The motion was seconded by Councilmember Said and Was unanimously approved.

Councilmember Said commented on the hard work done by Jan Fox and her team in tracking compliance of the Emergency Orders.

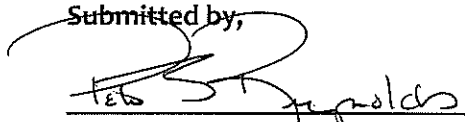
Councilmember Prickett again pointed out that a vast majority of owners have done an excellent job in trying to follow the spirit, as well as the letter of the law. Unfortunately, individuals are doing what they are doing in attempting to circumvent the law and putting people in harm’s way. He thanked

all those who are renting and following the guidelines the Town has set forth along with the rules that are out there.

III. Adjournment:

Mayor Pro Tem Widuch motioned to adjourn the meeting at 11:02 pm. The motion was seconded by Councilmember Connelly and carried unanimously.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor

5-6-2020
Date