

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

August 6, 2019; 2:00 PM

Minutes

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

II. **Pledge of Allegiance**

Present at the meeting:

Craig Weaver, Mayor
Chris Widuch, Mayor Pro Tem
Maryanne Connelly, Councilmember
Dan Prickett, Councilmember
Klaus Said, Councilmember

Also Present:

Stephanie Monroe Tillerson, Town Administrator
Dwayne Green, Town Attorney
Petra Reynolds, Town Clerk

III. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of June 4, 2019

Councilmember Prickett made a motion to approve the minutes of June 4, 2019, Town Council Meeting. The motion was seconded by Mayor Pro Tem Widuch and the minutes were unanimously approved.

IV. **Mayor's Update:**

Mayor Weaver stated he wanted to thank all the different entities and agencies who responded so quickly to the report of a missing child in the water. He commended efforts of the St Johns Fire District, along with members of the Beach Patrol, Coast Guard, Sherriff's Deputies, Resort Security, Charleston County Rescue, and the Community Association. He indicated the child was later found unharmed at the Sanctuary.

Mayor Weaver commented that the Town is always stressing that with all the agencies involved on the island there is some confusion on who to call. The best response is always to call 911, as was done with this call, getting the quickest response with the correct entities involved.

Mayor Weaver pointed out that for many years the Town has been dealing with the heavy traffic and issues for residents along Beachwalker Drive going into the County Park. The Town has worked hard with the County Park to resolve those issues resulting in the construction of a dedicated turn lane into the park along with a queuing system implemented by the County Park. Mayor Weaver thanked Town Staff, members of the Public Works Committee, along with Mayor Pro Tem Widuch who has been working with this issue. He also thanked the Charleston County Park system for their cooperation.

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

Wendy Kulick – 38 Marsh Edge Lane

Ms. Kulick, following the Mayor's comments, thanked all the residents who contributed to the school supply drive for the students of Mt. Zion Elementary School on Johns Island. She noted both the students and teachers are appreciative of the generosity of the Kiawah and Seabrook residents.

Andy Capelli – 160 Governors Drive

Mr. Capelli expressed his appreciation to Kiawah Partners for the conceptual plan presented for Parcel 13. He called attention to an error in the calculations in the total number of units being considered for approval in the amendment of the 2013 Amended and Restated Development Agreement.

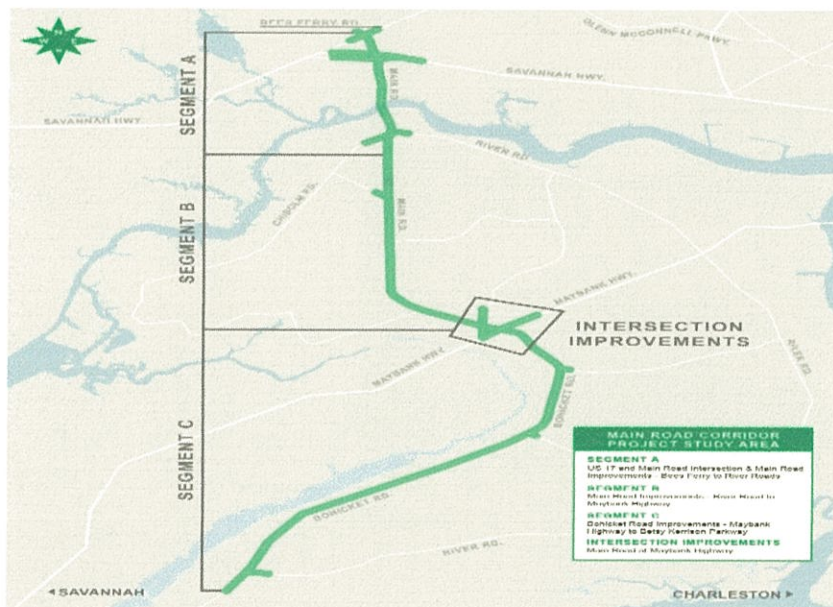
Mayor Weaver stated that the amendment is breaking out Parcel 13A from Parcels 13B & 13C remaining and does not add any additional units.

VI. Presentation:

A. Charleston County Transportation Development report on Main Road Corridor Alternatives

Mayor Weaver introduced Ms. Devri DeToma with the Charleston County Transportation Department, and Mitchell Metts, VP of Project Business Management Infrastructure Consulting and Engineering. He stated that for many years the Town had been aggressively working with the County and others focused on the improvement of the roads on Johns Island with limited success.

The presentation and report on the Main Road Corridor Alternatives included the project purpose was “to improve the mobility and enhance traffic operations by reducing existing traffic congestion within the Main Road Corridor while accommodating future traffic needs” The project has been divided into three segments:



Mr. Metts explained the process in the development of the alternatives which require; Study a range of alternatives and document impacts, evaluate alternatives to an equal level of detail, agency coordination, and public involvement. He reviewed the alternatives presented at the public meeting, which included 443 Attendees with 95 Written Comments, 169 Email Comments through Website, and two Letters.

Mr. Metts reviewed each of the alternatives and the responses to each. He stated that In order to determine the preferred alternative, the Project Team would continue to refine the reasonable alternatives based on the collection and evaluation of field data.

Council members responded to the discussion with their questions, including if the Greenway study would be given consideration.

B. Wildlife Population Trends

Mr. Jim Jordan, Town Biologist, presented the status and an update on the Kiawah Ecosystem. He explained an ecosystem as complex, pointing out the island's *Keystone Species*; bobcats, coyotes, white-tailed deer and alligators and *Indicator Species*; Migratory Songbirds, Marsh Sparrows, Painted Buntings, and Wilson's Plovers. He indicated that his report would focus on *Keystone Species*.

Mr. Jordan reported on the status of each of the keystone species reviewing the status, highlighting reasoning or contributing issues for the situation, and what actions, if necessary, could be taken to reverse negative trends.

VII. Public Hearing Analysis

A. To Consider Approval of **Ordinance 2019-06** – An Ordinance to Amend the Comprehensive Plan of the Town of Kiawah Island to Adopt Changes Resulting from the Flood Mitigation and Sea Level Rise Adaptation Report – **Public Hearing and First Reading**

Mr. John Taylor, Town Planner, presented an in-depth review of the proposed changes in each of the Comprehensive Plan Elements;

- **Natural Resources** – Beach and Dune system, Salt Marsh, Saltwater intrusion, Freshwater Aquifer, and Stormwater Runoff
- **Community Facilities** - Coordination and infrastructure plans
- **Transportation** - Coordination, Road design, and Infrastructure improvements
- **Land Use** - Zoning Ordinances, Building codes, and Development strategies

Mr. Taylor reviewed the 2019-2020 Action & Strategy Plan;

- Protect Key Natural Resources
- Maintain & Improve Infrastructure and Community Services
- Protect & Improve Transportation Network
- Promote Community Resiliency
- Educate & Provide Community Outreach

Mayor Pro Tem Widuch made a motion to open the Public Hearing for comments on Ordinance 2019-06. The motion was seconded by Councilmember Prickett and was unanimously passed.

Wendy Kulick – 38 Marsh Edge Lane

Ms. Kulick stated that the issue of Sea Level Rise is one of the most critical issues the Town has addressed and has been doing it in a comprehensive way involving people who are educated or experts in the area, making the recommendations more important. She noted that the first reading is taking place when many of the residents are off-island and asked if any communication will be made before the next reading in the event there are additional questions.

Mayor Weaver closed the Public Hearing on Ordinance 2019-06.

Mayor Pro Tem Widuch made a motion to approve the first reading of Ordinance 2019-06 to Amend the Comprehensive Plan of the Town of Kiawah Island to Adopt Changes Resulting from the Flood Mitigation and Sea Level Rise Adaptation Report. The motion was seconded by Councilmember Connelly.

Following discussion, the motion was unanimously passed.

VIII. Old Business:

A. Communication and Implementation Plan for the Plastics Ordinance

Ms. Tillerson stated the Plastics Ordinance was approved by Council but will not take effect until September 8. She indicated that Ms. Stephanie Edgerton was charged with creating a communication plan to introduce the information to business, residents, and guests.

B. Discussion of the Kiawah Island Parkway Project – Road Elevation and Landscape Architect Services

Mayor Weaver discussed the road elevation as part of the Kiawah Island Parkway Project. He began by stating that the Parkway has been relatively free of nuisance and major storm flooding. However, higher tides are routinely approaching the pavement near Mingo Point and real estate center.

The contract with McCormick/Taylor provides for engineering evaluation (scope and cost) of three different elevation adjustment scenarios.

- Nuisance flooding – MHHW plus “20-year sea level rise”
- Storm surge – incoming storm surge plus tide
- Combination – project combined effect of pre-storm surge plus 20-year sea level rise

Ms. Tillerson stated that during the January Town Council Retreat, there was a discussion of the look and feel of the Parkway. The past storms and salt intrusion have left the plantings along the Parkway damaged and will require replacement. She indicated that with work ongoing on the Kiawah Island Parkway Project, it might be an excellent time to seek professional help in the redesign of the landscaping. She requested that the Landscape Request of Proposals be released to obtain concepts, designs, and recommendations for the replacement of the landscape and hardscape along the Parkway coinciding with the paving project.

IX. New Business:

A. To Consider Approval of the Amended and Restated Development Agreement by and Between Kiawah Resort Associates and Town of Kiawah Island affecting Parcel 13A

Mayor Weaver gave a brief overview of the Development Agreement between the Town and Kiawah Resort Associates, which manages the rules of development on the Island for property owned by Kiawah Partners. The Development Agreement already defines the developer’s entitlements on items such as density, dwelling units, the height of building and land coverage.

Mr. Permar stated that he, along with Mr. Townsend Clarkson, are representing Kiawah Resort Associates, or Kiawah Partners. He indicated that since 1994, Kiawah development controls had been structured through a series of Development Agreements with the Partners and the Resort. Throughout the years there have been amendments to various agreements resulting from updates to information or ideas.

Mr. Permar stated that the request submitted for approval is to amend the text of a specific part of the 2013 Amended and Restated Development Agreement to increase the number of dwelling units per building from up to seven units to twenty units per building in the R-3/C zoning classifications with special conditions. He stated the request is not in conflict with any of the provisions of the agreement with the Community Association on the extension of Duneside Road and others changes to the provisions of the Development Agreement (DA).

Ms. Nicole Emmons, with Hart Howerton, gave a presentation on cel 13A that included conceptual renderings of a vision plan that clustered buildings creating a larger open space with limited impact on

the ocean frontage.

Mayor Weaver stressed that the renderings or illustrations are conceptual, will not appear in, or are part of the DA, and no one should expect exactly what is presented in the conceptual renderings.

Mr. Will Little, with East/West Partners, reiterated Mayor Weaver's comment that the illustrations are conceptual and will develop over time. East/West will limit the total number of buildings on the site to six buildings, and reduce the allowable density already defined as twelve units per acres to approximately six units per acre, with a total of eighty-four units; four club cottages and eighty residential units along with limiting the building coverage on the site to 25% or less.

Mayor Pro Tem Widuch pointed-out Parcel 13B and clarified that the parcel has a maximum total of 129 dwelling units and asked if those would have access through Southern Pines/Duneside or only through Beachwalker. Mr. Permar stated that only portions of Parcel 13B would have access to Southern Pines per the agreement with the Community Association. Of the 120 units only the balance of 36 units would have access. Mr. Permar also explained the additional stipulation of layering that would limit two buildings of the six with up to twenty units, an additional two with up to twelve units, and the remaining two with up to eight units.

Mayor Pro Tem Widuch questioned if the intention was for the units to be sold as investment properties. Mr. Little indicated that the plan was to sell the units as whole ownership or condominium residents.

Councilmember Prickett commented that what is being proposed is a better use of critical land than what would be allowed under the existing DA. He stated that in his opinion, it provides better and more Kiawah like development then what have been allowed in the existing DA. Councilmember Connelly agreed with Mr. Prickett's comment.

Councilmember Prickett made a motion for approval of the Amended and Restated Development Agreement by and Between Kiawah Resort Associates and Town of Kiawah Island affecting Parcel 13A. The motion was seconded by Councilmember Connelly, and the motion was unanimously passed.

B. To Consider Approval of Ordinance 2019-05 – An Ordinance to Amend the Town of Kiawah Island Municipal Code of Ordinances Article 7, Public Safety; by adding Chapter 3, Section 7-301 - Drones and Model Aircraft – First Reading

Councilmember Connelly stated many concerns had been raised with the main issues being the invasion of privacy and public safety to the residents and guests of the Town in public areas. Some of these concerns include but are not limited to, their ability to carry wireless cameras that record data and can transmit live streams of data. Without regulating the take-off and landing of drones and model aircraft they could be used to invade the privacy of Town residents and guests who are enjoying the use of their property, beach, and other public places. Complaints of invasion of privacy by drones and model aircraft were reviewed by the Public Safety Committee who recommended the approval of the Ordinance.

Councilmember Connelly made a motion to approve the first reading of Ordinance 2019-5 to Amend the Town of Kiawah Island Municipal Code of Ordinances Article 7, Public Safety; by adding Chapter 3, Section 7-301 - Drones and Model Aircraft. The motion was seconded by Councilmember Said, and the motion was unanimously passed.

C. To Consider Approval of the CARTA (Charleston Area Regional Transportation Authority) Proposed 2020 Fiscal Year Budget

Mayor Weaver stated that the Town of Kiawah Island is part of and participates in the CARTA Board. As a member municipality on the board, the Town is required to review and approve the Proposed CARTA 2020 Fiscal Year Budget.

Councilmember Said made a motion for the Approval of the Proposed 2020 Fiscal Year Budget for the Charleston Area Regional Transportation Authority. The motion was seconded by Mayor Pro Tem Widuch.

Following further discussion, the motion was unanimously passed.

D. Discussion of Beachwalker Drive Speed Tables Request from Inlet Cove HOA

Ms. Tillerson stated that several months ago, the Inlet Cove Home Owners' Association (HOA) approached the Town to consider doing a study on the installation of speed tables on Beachwalker Drive. She indicated that she received a quote from Kimberly Horn, but before receiving the quote the Mayor requested speed limit counts on Beachwalker Drive. Mr. Brian Gottshalk, Public Works Manager, with the assistance of the Community Association, was able to obtain data from two locations on Beachwalker Drive showing that there was very little speeding with most drivers traveling within limits.

Ms. Tillerson stated that even with the data, the HOA would like the Town to consider the study on the installation of the tables. She indicated the quote for the study was \$5,000.00 and asked if council members would be opposed to working with Kimberly Horn to complete the study.

Mayor Weaver indicated that after reviewing the data that was received, that at this time he objects to completing a study when there does not appear to be an issue with speeding. Councilmembers were in agreement with Mayor Weaver's.

E. Discussion of the Beach Franchise Agreements

Mayor Weaver explained that concerns had been raised by both entities which have franchise agreements with the Town for umbrella and chair set-ups on the beach. He indicated that any entity that wants to provide/sell goods or services on the beach are required to have a franchise agreement with the Town. Currently we have franchise agreements with two entities on the beach, Kiawah Island Resort, and Island Beach Services.

Mayor Weaver stated there are now situations where one or more rental companies are providing chairs and umbrellas to their clients. Mayor Weaver asked the Town attorney to look into the matter and make sure that these activities do not violate ordinances or infringe on the two entities franchise agreements with the Town. The recommendation is for the Town Attorney to write a letter to the business providing the chairs and umbrellas to their clients to make sure that they have the proper information on providing services on the beach.

X. Town Administrator's Report:

None

XI. Council Member:

- a. Committee Updates
- b. General Comments

None

XII. Citizens' Comments:

Wendy Kulick – 38 Marsh Edge Lane

Ms. Kulick stated that the short-term rental changes that are being looked at and questioned if there will be an opportunity for property owners to provide feedback and comments prior to recommendation to Town Council. She also asked if rental companies had provided any input to the proposed draft wording.

Mayor Weaver indicated that it is anticipated that a draft ordinance will be presented at the September Town Council meeting. He noted that the team working on the changes have met with some of the rental managers and obtained feedback. Following discussion with Council members, there will be communications to residents and property owners which outlines the nature of the ordinance and the changes.

Butch Neal – Island Beach Services

Mr. Neal thanked the Council for being aware of the situation on the beach and would answer any questions.

Councilmember Prickett made a motion to move into Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to an Economic Development Project Adjacent to the Municipal Center on Johns Island. The motion was seconded by Councilmember Connelly and was unanimously passed.

XIII. Executive Session:

- A. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to an Economic Development Project Adjacent to the Municipal Center on Johns Island.**

Councilmember Said made a motion to move from Executive Session back to return to Regular Session. The motion was seconded by Councilmember Connelly and was unanimously passed.

Mayor Weaver stated that there were no votes taken and no decisions made during the Executive Session that would bind the Town to any course of action.

XIV. Adjournment:

Councilmember Prickett motioned to adjourn the meeting at 5:47 pm. The motion was seconded by Councilmember Connelly and carried unanimously.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor

10-2-2019

Date