

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

March 30, 2020; 4:00 pm

Special Call Meeting

Minutes

I. Call to Order: *Mayor Weaver called the meeting to order at 4:00 pm.*

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*
Petra Reynolds, *Town Clerk*

Councilmember Prickett made a motion to move into Executive Session to discuss Legal Issues Related to Emergency Ordinances. The motion was seconded by Councilmember Connelly and was unanimously passed.

II. Executive Session:

A. Discussion of Legal Issues Related to Emergency Ordinances

Mayor Pro Tem Widuch made a motion to exit the Executive Session and return to Regular Session. The motion was seconded by Councilmember Said and was unanimously passed.

Mayor Weaver stated that during the Executive Session, no decision was made, and no votes were taken.

III. New Business:

A. To Consider Approval of the Amendment **Ordinance 2020-01** - An Emergency Ordinance of the Town Council of the Town of Kiawah Island, South Carolina to Declare a State of Emergency, Temporarily Suspend the Normal Operating Procedures of Council Meetings and Take Additional Measures to Protect the Public

Mayor Weaver began the discussion by highlighting the major changes in the proposed amendment:

- 1) *Item 3 - Pursuant to CDC guidelines, social gatherings of 10 or more people, for any reason other than working at or receiving essential services, is prohibited.*

Mayor Weaver stated that the restriction or guideline used at the federal and state level has been used by the Town while addressing issues on the beach and elsewhere on the island. The guideline, adopted by the Town's emergency ordinance gives the Town's entities, Beach Patrol and Code Enforcement, the enforcement ability.

Mayor Weaver stated the same provision of the Town's emergency ordinance adopts the Governor's earlier order giving law enforcement the capability to disperse a group of three or more people if, in their judgment, a public safety risk was associated with the group.

- 2) *Item 4 - Property managers, owners, and anyone else involved in the advertising of a Short-Term Rental (STR) are prohibited from advertising the STR's availability from March 25, 2020, through April 15, 2020. As part of this prohibition, any online booking calendars for units shall not indicate that the unit is available from March 25, 2020, through April 15, 2020.*

Mayor Weaver explained that in the Town's original ordinance stated that a rental property owner or management company representing a rental property owner could not make a new booking in the time period from March 25, 2020, through April 15, 2020. The additional language was required to give the Town the ability to enforce compliance with the requirement to show the rental as "unavailable" during the time period from March 25, 2020, through April 15, 2020. He stated that short-term rentals are not allowed to be booked or advertised as available during that time period.

- 3) *Item 4 - Property managers must inform all renters in writing of the restrictions contained in Section 3 of this Emergency Order, as well as the self-quarantine restrictions imposed by Governor McMaster's Executive Order No. 2020-14, Section 1.*

Mayor Weaver explained the additional language is expecting property managers to assist the Town and Community in informing renters of the restrictions and the required self-quarantine for individuals entering South Carolina from high-risk areas.

Mayor Pro Tem Widuch made a motion to approve Ordinance 2020-02 - Amending Ordinance 2020-01. Councilmember Prickett seconded the motion.

Mayor Weaver asked for consideration from Town Council to further amend the propose ordinance to made two additional changes. He explained that in Ordinance 2020-01, the date at which the Town is prohibiting new bookings was set on April 15, 2020, and is proposing an amendment which would extend the time period in for an additional 30 days from April 15, 2020, to the date of May 15, 2020.

Mayor Weaver indicated that the additional proposed change would include a provision that would prohibit any short-term rental check-ins between the dates of April 15, 2020, through May 15, 2020.

Mayor Weaver stated the first proposed change was impacted by the rapidly changing nature of both the virus and responses on the federal and state level, which suggests a longer-term situation and response than considered when establishing the April 15 date. He noted that the National Task Force recently extended their actions from April 15 to April 30, providing a compelling indication that efforts required to combat the virus and its potential for coming into the community are longer than first anticipated.

Mr. Wilson pointed out that the change of dates would all require changes in Ordinance 2020-01 along with provision four (4) of proposed Ordinance 2020-02. He also suggested that each change be considered as a separate motion and asked for clarification on if the on the second change would still allow STR check-ins up to the April 15th date.

Mayor Weaver indicated that he did not change the April 15 date because the Town had already taken the position to allow rental property owners to honor existing bookings to that date, and the short-term rental number is very low.

Mayor Weaver made a motion to amend the date from April 15, 2020, through May 15, 2020, in Ordinance 2020-01 and accompany that with a consistent change in proposed Ordinance 2020-02 Item (4). The motion was seconded by Mayor Pro Tem Widuch.

Mayor Pro Tem Widuch questioned the language in proposed Ordinance 2020-02 Item (4) “shall not indicate that the unit is available” and suggested a clarification change in the language to “shall indicate that the unit is **not** available” providing a more proactive position.

Mr. Wilson suggested the motion language states, “calendars for units shall indicate that the unit is not available.”

Mayor Pro Tem Widuch made a motion to amend the language in Item (4) in proposed Ordinance 2020-02 to read “calendars for units shall indicate that the unit is not available.” The motion was seconded by Councilmember Prickett.

Mayor Weaver asked for a roll call vote to be taken on the motion to amend the language in Item (4) in proposed Ordinance 2020-02:

Councilmember Connelly	voted “Aye”
Councilmember Prickett	voted “Aye”
Mayor Weaver	voted “Aye”
Mayor Pro Tem Widuch	voted “Aye”
Councilmember Said	voted “Aye”

The motion was unanimously passed.

Mayor Weaver asked for a roll call vote to be taken on the motion to amend the date from April 15, 2020, through May 15, 2020, in Ordinance 2020-01 and accompany that with a consistent change in proposed Ordinance 2020-02 Item (4) in proposed Ordinance 2020-02:

Councilmember Said	voted “Aye”
Mayor Pro Tem Widuch	voted “Aye”
Mayor Weaver	voted “Aye”
Councilmember Prickett	voted “Aye”
Councilmember Connelly	voted “Aye”

The motion was unanimously passed.

Mayor Weaver made a motion to amend proposed Ordinance 2020-02 to prohibit any short-term rental check-ins between the dates of April 15, 2020, through May 15, 2020. The motion was seconded by Mayor Pro Tem Widuch.

Councilmember Said asked for clarification on if an existing rental, already on the island, wants to extend the existing rental in the prohibited period and if an existing rental wants to bring extended family to the island during the prohibited period.

Mr. Wilson indicated that if the Council did not address the scenarios at this point, based on experience from other cities, those activities would still be allowed unless explicitly stated. Mayor Weaver added that the underlying guiding principle is to avoid bringing new potential opportunities for the virus to come from other locations. He addressed the family scenario by stating the occupancy level for the rental would be the defining factor.

Councilmember Connelly stated the information in today’s DHEC report indicates the virus is in the acceleration phase of this epidemic, with the additional testing increasing the number of positive cases. She indicated that many residents are questioning why the Town has not stopped STR check-ins to control the influx of individuals coming onto the island, especially from high-risk areas. She

expressed her belief that all short-term rental check-ins should stop as soon as possible, noting that Saturday is the customary check-out day and suggested the date of April 4, 2020.

Councilmember Connelly made a motion to amend Mayor Weaver's motion to amend proposed Ordinance 2020-02 to prohibit any short-term rental check-ins between the dates of April 4, 2020, through May 15, 2020. The motion was seconded by Councilmember Said.

Councilmember Said stated the moratorium solution was a very good one, but given a variety of current responses, the solution is no longer appropriate. With the small number rentals, he would, at this point, support simply prohibiting all short-term rental check-ins, following the lead of many other communities.

Mayor Pro Tem Widuch stated that he would suggest prohibiting all short-term rental check-ins on April 1. He indicated that he had reluctantly come to the same conclusion as Councilmember Connelly. After hearing the same resident concerns. He said that ultimately he represents Kiawah residents.

Councilmember Prickett stated the April 15 date is the Town's commitment to the people it works with. He then clarified who would be at risk by closing all short-term rental check-ins, noting that leaving the date on the April 15 puts no one at risk because short-term rentals were suspended.

Mayor Weaver pointed out that the Town, last week specifically addressed the issue and committed to honoring those bookings through April 15 with an affirmative decision so his question would be that before a decision is made, is there an obligation to give rental property owners 24 hours' notice for any input before the decision.

Councilmember Said responded to Mayor Weaver's question by stating that as important as consultation and input is, in this case, the responsibility for regulation of short-term rentals fall on the Town. Input indicating hardship or requests for more time is already known and acknowledged. With the time for a more moderate approach having passed, he did not see a need for consultation.

Councilmember Connelly pointed out that along with those wanting to leave high-risk areas and the upcoming holiday, there will be a lot of people coming into the community. At the same time, the timing of the virus is unfortunate, but the protection of Kiawah residents in a need that should be met.

Councilmember Connelly withdrew her motion to amend Mayor Weaver's motion to amend proposed Ordinance 2020-02 to prohibit any short-term rental check-ins between the dates of April 4, 2020, through May 15, 2020.

Councilmember Connelly made a motion to amend Mayor Weaver's motion to amend proposed Ordinance 2020-02 to ban any short-term rental check-ins between the dates of April 1, 2020, through May 15, 2020. The motion was seconded by Councilmember Said.

Councilmember Prickett expressed his concern with the effect of moving the date forward from April 4 to April 1 will have on the community. Many changes in arrangements have to be made, and the previous commitment of a different intention, leaving the date on April 4 gives reasonable people a chance to make changes to their plans. He stated that beginning the ban on April 1 is asking for a lot of disruptive inconveniences that will pay no dividends.

Both Councilmember Said and Mayor Pro Tem Widuch indicated that while there will be an inconvenience but many communities have taken the same approach to limit access, and reaffirmed their support of the April 1st date. Mayor Weaver stated that he would be more supportive if the Council had not taken an affirmative decision just a week ago. He did agree that April 1 would be

difficult and problematic for not only renters but also for rental property owners who are also Kiawah residents. He indicated that he felt that April 4 is a more orderly approach and would support April 4 if April 1 failed.

Mr. Wilson asked for some points of clarification and proposed language for the motion. “Starting on April 1, 2020, no new check-ins by paying guests are permitted at any short-term rental. Visitors currently checked in may remain. It was clarified that the intent was that the restriction excludes homeowners visiting their own property and family of homeowners.”

Mayor Weaver asked for a roll call vote to be taken on the motion to amend Mayor Weaver’s motion to amend proposed Ordinance 2020-02 to ban any short-term rental check-ins between the dates of April 1, 2020, through May 15, 2020.

<i>Councilmember Connelly</i>	<i>voted “Yes”</i>
<i>Councilmember Prickett</i>	<i>voted “No”</i>
<i>Mayor Weaver</i>	<i>voted “No”</i>
<i>Mayor Pro Tem Widuch</i>	<i>voted “Yes”</i>
<i>Councilmember Said</i>	<i>voted “Yes”</i>

With no supermajority of Council, the motion fails by a 3 to 2 vote.

Councilmember Said made a motion to amend Mayor Weaver’s motion to amend proposed Ordinance 2020-02 starting on April 4, 2020, no new check-ins by paying guests are permitted at any short-term rental. Visitors currently checked in may remain. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

Mr. Wilson indicated on the first amendment the date was extended to May 15 on Ordinance 2020-01. He will revise the language on Ordinance 2020-02 to reflect the Town’s prior emergency 2020-01 remains un full force and effect except that the dates contained therein related to short-term rentals are extended to May 15, 2020.

Mayor Weaver summarized the changes to the emergency ordinance, which include the action that was taken last week with the approval of Ordinance 2020-01—making a change to move the date not allowing rental owners to take reservations out to May 15, 2020. The change beginning on April 4, 2020, in which no new check-ins can occur even if the reservation was taken before that time.

Mayor Weaver asked for a roll call vote to be taken on the motion to approve Ordinance 2020-02 - Amending Ordinance 2020-01.

<i>Councilmember Said</i>	<i>voted “Aye”</i>
<i>Mayor Pro Tem Widuch</i>	<i>voted “Aye”</i>
<i>Councilmember Prickett</i>	<i>voted “Aye”</i>
<i>Councilmember Connelly</i>	<i>voted “Aye”</i>
<i>Mayor Weaver</i>	<i>voted “Aye”</i>

The motion was unanimously passed.

Mayor Weaver closed the meeting by commenting that the current situation is something neither Councilmembers nor the people on the island have ever experienced, and things are changing very rapidly. He expressed the importance of reflecting on the amount of time Council members have spent getting a sense of if people appear to be complying with the various requirement that has been put in place. While there are still issues and challenges, he wanted to point out that it seems that the overwhelming majority of residents, property owners, and resident families are working to

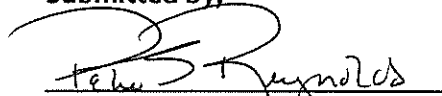
understand the importance of complying with critical notices, using their own personal responsibility to maintain distances, and being thoughtful of their actions around other people.

Mayor Weaver also took the opportunity to state that while he has not had the opportunity to respond to each of the emails he has received, he has read every one, and the Councilmembers have done the same. He thanked those people who sent the emails, and if you don't receive a response, they are appreciated as well as important in gaining an understanding of the effect of the actions taken by the Town.


IV. Adjournment:

Councilmember Connelly motioned to adjourn the meeting at 3:02 pm. The motion was seconded and carried unanimously.

Submitted by,


Petra S. Reynolds, Town Clerk

Approved by,


Craig E. Weaver, Mayor

4-9-2020
Date