

STR Ordinances – Second Reading

November 20, 2024 @ 9:30 AM

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Kiawah Island Town Hall, Council Chambers
4475 Betsy Kerrison Pkwy
Seabrook Island, SC 29455



MINUTES

CALL TO ORDER

Mayor Kleinman called the meeting to order at 9:34 am.

ROLL CALL

Town Council Members Present: Mayor Bruce Kleinman; Councilmembers Darryl May, Gordon Weis, Raymond Hamilton and Dan Kortvelesy.

Town Staff Present: Joe Cronin (Town Administrator), Mac McQuillin (Town Attorney), Katharine Watkins (Assistant Town Administrator), Tyler Newman (Zoning Administrator), Beth Rinehimer (Short-Term Rental Compliance Manager), and Peter Wiggins (Town Clerk).

FOIA STATEMENT

The Town Clerk confirmed that the meeting was advertised in compliance with the requirements of the South Carolina Freedom of Information Act. Agendas were posted and furnished to news media and all other persons requesting notification.

PUBLIC COMMENT

During the citizen comment period, citizens were allowed to speak on any item listed on the agenda. Speakers were limited to three minutes in which to make comments. Preference was given to individuals who notified the town clerk in advance of the meeting of their desire to speak.

ORDINANCES FOR SECOND READING

Ordinance 2024-06

Mr. Hamilton made a motion to approve Ordinance 2024-06 as amended at first reading, seconded by Mr. May.

Mayor Kleinman proposed an amendment to 2024-06, eliminating the "Class B" permit, seconded by Mr. Weis.

Mr. Kortvelesy stated he was unclear why this was up for debate again. He stated he thought the sunset clause allowing the "Class B" permit to expire in two years was a way for council to reevaluate the legal resident rental program. He stated he thought allowing legal residents to rent a portion of the year was a good thing, especially for residents who were facing a hardship situation. He further stated he was opposed to anything other than what was approved at first reading.

Mr. May added that he did not wish to speak at length on Mayor Kleinman's amendment, but that he had made his opinions clear on allowing for a legal resident rental permit at prior meetings.

Mr. Hamilton stated his concern was that we do not have a hardship allowance. He stated for most people, they do not know when a hardship might arise. He stated that he had spoken to people that have experienced a hardship, and that currently all that could be done was for the Town to say, sorry, put your name on a list and there may be a possibility that you can rent.

Mr. Weis stated he was against the legal resident permit. He stated there were no limitations on it like a 30 or 14-day minimum rental. He further stated that he may be able to support a legal resident permit if there were limitations in place.

Mr. May stated he proposed limitations that would restrict a legal resident to rent only once every four years. He stated that he did not receive a second to his proposal. He stated that no one had proposed any other limitations, but that if someone wanted to propose limitations in the coming months, that would be fine.

Mayor Kleinman stated that more than two months ago, he decided that allowing for a legal resident to rent their property was a good policy. He stated he thought that allowing for a Class B permit would allow for more room under the cap. However, he closed his article in the Seabrooker, asking residents to submit their comments to the Town on his proposals. He stated that there were many residents who submitted comments who were opposed to his legal resident permit idea. He further stated he believes in representative government and believes that defining hardship is a bad place for the Town to be deciding what is and is not a hardship.

Mr. Kortvelesy responded by saying that he understood the mayor's rationale and where he was coming from when he proposed the legal resident permit. He also addressed the mayor saying that many of the comments opposed to the legal resident permit were based on false assumptions and if that is true, his rationale for removing the legal resident permit *is* based on false assumptions.

Mayor Kleinman responded that he still believes allowing for this permit is good policy, but that if Seabrookers don't see this issue in the same way, he has no issue in removing the permit from the ordinance.

Mr. Weis stated that there was a lot of negativity on social media related to the legal resident permit. Mayor Kleinman responded by saying the way that the Town's stakeholders can communicate directly

with the Town does not include social media, but he was sorry to hear of the negativity.

Mr. May asked Mr. Kortvelesy if he was in favor of the legal resident permit specifically for the hardship reasons. Mr. Kortvelesy said he was. Mr. May further said he would be happy to consider another ordinance in the coming months that would address the hardship issue but provided for some limitations, but as it stands now, the Class B permit is just another mechanism by which property owners can rent their home.

The council then moved to consider Mayor Kleinman's motion to strike all references to the Class B permit.

The vote was as follows:

Mr. Hamilton	aye
Mr. Kleinman	aye
Mr. Kortvelesy	nay
Mr. May	aye
Mr. Weis	aye

The amendment PASSED with four ayes and one nay.

Mr. Kortvelesy asked Mr. Cronin a question related to lighting and parking references in Ordinance 2024-06. Mr. Cronin stated that if the references are found in Section 9.4 of the Development Standards Ordinance (DSO), those references apply only to short-term rentals. If the language is found in Section 2.1, it would apply to all properties. He further stated in the instance of language referring to the placement of trash, there is already language in the DSO regarding the placement of trash. He stated this ordinance would strike that, with the understanding that there is similar language in a parallel ordinance currently being considered by the council. He further urged the council not to make changes to references to Section 2.1 or 12.4 because those parts of the DSO already have references to trash and litter.

There was a procedural discussion related to trash and litter regulations being specified in the DSO. There was a discussion related to whether the DSO is the appropriate place to regulate livability issues like trash and litter. Mr. Cronin stated that if it was the council's wish to continue to regulate these livability issues, those regulations should be moved to the town code from the DSO.

Considering the prior discussion, Mayor Kleinman motioned to strike certain references to trash, litter, and debris in Subsection 9.4 (f) and (g) of the DSO, seconded by Mr. May.

Mayor Kleinman's amendment was passed UNANIMOUSLY.

Mayor Kleinman asked the council's views on references in the proposed ordinance related to rental violations. He said he thought the penalties were lenient.

Mr. Cronin briefly explained the point system created by staff.

Mr. May stated that the STR Committee viewed the point system as not strong enough, especially when it came to some of the nuisance violations. Mr. May stated that when he discussed the enforcement of these violations with his colleagues on council that there was not a strong interest in doing much enforcement of those nuisance violations. He stated that the enforcement mechanism would be, in the case of violations, to call the local contact who would take care of the issue, rather than to issue points on the permit.

Mr. May motioned to amend the ordinance, moving the violations that require a two point penalty, renting or advertising a unit in excess of the overnight occupancy limit, and renting or advertising a unit for a stay of less than two days, and renting or advertising less than the entire dwelling unit into the three point penalty category. The motion was seconded by Mr. Hamilton.

Mr. May's amendment was passed UNANIMOUSLY.

At 11:00 am, the council stood at ease.

At 11:16 am, the council returned.

Mr. Kortvelesy motioned to return Ordinance 2024-06, as amended, to the Planning Commission for a recommendation, seconded by Mr. Weis.

Ordinance 2024-06 was returned to the Planning Commission as amended, UNANIMOUSLY.

Mr. Weis moved to reconsider the prior motion returning Ordinance 2024-06 to the Planning Commission for a recommendation, seconded by Mr. May.

The motion to reconsider the prior motion passed UNANIMOUSLY.

Mr. Weis made a motion to postpone 2nd Reading of Ordinance 2024-06 until December 17, 2024, seconded by Mr. Hamilton.

Mr. Weis' motion was passed UNANIMOUSLY.

Ordinance 2024-07

Mr. May motioned to postpone 2nd Reading of Ordinance 2024-07 until December 17, 2024, seconded by Mr. Weis.

Mr. May's motion passed UNANIMOUSLY.

Ordinance 2024-08

Mr. May motioned to strike 9.2B and renumber items under Section 9.2, seconded by Mr. Weis.

Mr. May's motion passed UNANIMOUSLY.

Mayor Kleinman motioned to postpone 2nd Reading of Ordinance 2024-08 until December 17, 2024, seconded by Mr. May.

Mayor Kleinman's motion passed UNANIMOUSLY.

COUNCIL COMMENTS

Mr. Hamilton wanted to be clear related to his vote on Ordinance 2024-06. He stated that initially, his vote was in favor of including a legal resident permit. He further stated that he changed his vote, to against it, with the understanding that the council will revisit the issue and look at limits as other council members wanted. He stated that council should come up with something to address hardships.

ADJOURNMENT

There being no further business before the council, Mayor Kleinman declared the meeting adjourned at 11:27 am.

Peter D. Wiggins II, MPA
Town Clerk