

Having trouble viewing this email? [Click here](#)



## **KICA Amenities: *Understand the Facts***

Over the last few days, a letter written by two Rhett's Bluff owners has been circulated among some association members and cites opposition to the KICA board's decision to seek a membership vote on upgrading amenities. This upgrade would include enhancements to the existing Sandcastle site and a proposed new community center on KICA's common property at Rhett's Bluff. While these residents clearly have the right to express their opinion, statements made in the letter, if left unchallenged, could confuse and distract due to inaccuracies therein. The letter claims that the KICA board and the broader KICA membership do not have the legal right to decide how it chooses to use its common property at Rhett's Bluff; that the Town of Kiawah Island agrees with their assertion; and that the KICA board has somehow acted in bad faith. These assertions simply are not true.

Different segments of the KICA membership will have different opinions on whether a community center should be built on the Rhett's Bluff common property. What is unquestionably true, however, is that this property exists for the benefit of the entire KICA membership, and the KICA board along with the entire KICA membership will dictate its future. If the majority of the community votes for the proposed amenity improvements, the board will work tirelessly to make them happen. If the community opposes, the board will respect that decision.

With that in mind, you should make your decision based on the facts and what you believe is best for the long-term future of Kiawah. It is particularly concerning that the authors of the letter have offered such a prejudiced critique of plans that they, the board of directors, and everyone else have not even seen, because those plans are still a work in progress. The timing of the letter and its inaccuracies imply an intention to plant seeds of doubt over the KICA board's authority and integrity, and to impact your eventual vote this spring. It seems likely that these individuals will make additional efforts to color the community's decision making process. We encourage you to withhold your own judgment until you see the actual proposal and understand the relevant information. You will have to decide whether to believe information disseminated by the authors based on your assessment of the circumstances and motives behind their actions. However, we note the following:

***Claim:*** *The authors claim that the Town of Kiawah Island and its mayor, Charlie Lipuma, have publicly opposed KICA's plan for a Rhett's Bluff community center.*

***Fact:*** The town has not taken a position for, or against, the proposal. In fact, at the town's Jan. 26, 2015 strategic planning meeting, the Town Council concluded that any development of the KICA Rhett's Bluff common property was a matter for KICA first to resolve with its membership. At such time as KICA submits a site plan for Rhett's Bluff to the town's Planning Commission for zoning approval, the Town will take all relevant information into account before acting.

***Claim:*** *The authors claim that a Rhett's Bluff community center would violate Kiawah's covenants and development agreement.*

***Fact:*** KICA's board received two legal opinions concluding it had the right to build a community center on its property at Rhett's Bluff. The board then engaged one of the best legal minds in South Carolina to offer a third, independent opinion and to assist the board in analyzing the various legal issues and related board authority. Before the board decided to seek a member vote on an amenities proposal, it and legal counsel reviewed materials including, but not limited to: the 1994 development agreement between the town and KRA, the Operating Standards for KICA recorded as an exhibit to the development agreement, covenants applicable to all Kiawah properties, KICA bylaws, KICA covenants, the Quit Claim deed conveyance of the Rhett's Bluff Common Property from KRA to KICA, and the history of the site. It is clear that the Board has carefully considered the various governing documents which the authors claim it has violated. Legal Counsel has affirmed prior conclusions that KICA has the right to develop its common property, and noted that Kiawah governing documents give interpretative authority of these documents to the KICA Board of Directors. KICA and legal counsel strongly reject the authors' claim that KICA has violated any of Kiawah's governing documents.

KICA previously has communicated to its members, on several different occasions, the assertion by Rhett's Bluff opponents that the above mentioned Quit Claim deeds prohibit any development. KICA also has communicated that it simply disagrees with this assertion. Although the authors have loudly repeated their previously-expressed view, and guised it as a statement of fact, they have offered no new insight. There has been, and apparently will continue to be, a disagreement on this issue.

***Claim:*** *The authors claim that a Rhett's Bluff community center would, in some way, violate Kiawah zoning ordinances.*

**Fact:** The Rhett's Bluff common property is zoned parks and recreation. This zoning has been in effect since KICA obtained the property and is the same as the Sandcastle. KICA confirmed this zoning, and related requirements, with Charleston County many months ago. In addition, KICA engaged Mark Permar to assist with this project. Mark is a well-respected and tenured land planner for Kiawah, and is intimately familiar with zoning and development regulations. Based on these inputs, KICA firmly believes that the property is properly zoned for the envisioned purpose. Finally, there is a public process for reviewing zoning matters. As the mayor has said, that process will consider all relevant facts at the appropriate time.

***Claim:*** *The authors claim that the board has violated its fiduciary responsibility.*

**Fact:** The board's fiduciary responsibility commits it to act in the best interest of the community as a whole. Every action the board has taken has been to discharge that responsibility as authorized by KICA's governing documents. It recognizes that the KICA membership is very diverse, and that not everyone will agree with its decisions. Choosing to disagree with a board decision, however, should not lead to a conclusion of bad faith on the board's part.

The board understands, and appreciates, the concerns that some members of the Rhett's Bluff community have about a community center in their neighborhood. In evidence of this understanding, the board has taken several actions. The proposed community center is roughly one-half the size of the original concept and will be designed by Thomas and Denzinger, which is the architectural firm that designed several houses in the Rhett's Bluff neighborhood and is particularly sensitive to a compatible style. In addition, the board commissioned ecological and traffic studies which indicate that the proposed community center will not have significant negative consequences to the neighborhood. The final proposal will not destroy forest or historical artifacts. It will respect the existing boat launch and small area of brick remains from the homestead of an early Kiawah settler. The board understands that some KICA members will view these actions as inadequate, but feels it has balanced appropriately the

interests of the broader KICA community and the neighborhood.

The decision to to reinvest in Kiawah is an important decision. The entire community has the right to vote on this decision however one sees fit. The decision should be based on the facts and not on misrepresentations of a few individuals. We are still several months away from such a vote. Between now and then, we are committed to providing the information you need to make an informed decision.

**KICA Amenities**  
**Information**

Stay Connected



KICA: 23 Beachwalker Drive, Kiawah Island, SC 843-768-9194

[Forward this email](#)



This email was sent to doug.reynolds@kica.us by [communications@kica.us](mailto:communications@kica.us) | Rapid removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



Kiawah Island Community Association | 23 Beachwalker Dr | Kiawah Island | SC | 29455