

**TOWN COUNCIL MEETING
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
December 7, 2010; 2:00PM**

Minutes

- I. Call to Order: Mayor Wert called the meeting to order at 2:00pm.**
- II. Pledge of Allegiance:**
- III. FOIA:** Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.
- IV. Roll Call:**
Present: William G. Wert, Mayor
Alan L. Burnaford
Charles R. Lipuma
Harry H. McHugh
G. Steven Orban
- Also Present:** Dennis Rhoad, Town Attorney
Tumiko Rucker, Town Administrator
Lakesha Shannon, Town Clerk
- V. Approval of Minutes:**
- A. *Town Council Meeting Minutes for November 2, 2010***
Mr. Lipuma motioned to approve the Town Council Minutes for November 2, 2010. Mr. Burnaford seconded the motion. Mr. Orban requested to correct the spelling of the word "end" which should read "Inn" in the first paragraph of page 5. The motion carried unanimously to approve the Town Council Meeting Minutes of November 2, 2010 as corrected.
- B. *Town Council Public Hearing Meeting Minutes for November 2, 2010***
Mr. Lipuma motioned to approve the Town Council Public Hearing Minutes for November 2, 2010. Mr. Burnaford seconded the motion. The motion carried unanimously.
- VI. Special Recognition**
Mr. Wert presented a check for \$100,000 to the Kiawah Island Natural Habitat Conservancy.

Mayor Wert commented that there has been some concern regarding the position of the Town's second Biologist. He stated that the Town picked up the cost of this position after the Conservancy discontinued funding the position. **Mayor Wert made a motion to retain the second Town Biologist on payroll. Mr. Burnaford seconded the motion.**

Mr. Lipuma commented that Council should be presented with all the facts and fundamental information regarding this position.

Mr. McHugh stated that a list of jobs to be completed by the 2nd Biologist was presented to Mayor Wert and Mr. Burnaford.

Mr. Lipuma stated that there is no agenda item listed for discussion of the Town's second Biologist.

Mayor Wert withdrew his previous motion, and made a motion to add the discussion of the Town's second Biologist to the agenda. Mr. Burnaford seconded the motion. Mayor Wert then made a motion to retain the Town's second Biologist. The motion was seconded by Mr. Burnaford and Mr. McHugh.

Mr. Orban suggested that the Town also discuss other ways to fund this position. Mayor Wert commented that the Town should continue to work with the Conservancy to fund the position. Mr. Lipuma requested a copy of the material reviewed by the Mayor, Mr. Burnaford, and the Environmental Committee regarding this position. **The motion passed unanimously.**

VII. Old Business:

B. Second Reading Ordinance 2010-6 Outdoor Grilling Ordinance

Mayor Wert made a motion to approve second reading of Ordinance 2010-6. Mr. Burnaford seconded the motion. Council unanimously approved second reading of Ordinance 2010-6.

C. Second Reading Ordinance 2010-10 Comprehensive Plan

A motion was made by Mayor Wert to approve second reading of Ordinance 2010-10. The motion was seconded by Mr. Burnaford. Council unanimously approved second reading of Ordinance 2010-10 as amended.

VII. New Business:

A. Resolution 2010-2

Mr. Burnaford made a motion to approve Resolution 2010-2. Mr. McHugh seconded the motion.

Mr. Burnaford commented that the Town of Seabrook Island recently passed a resolution supporting I-526 and the Greenway.

Mr. Orban asked if the resolution of support had been exposed to the community, because the Town needs to know how the community feels. He also stated that it should be vented by the Planning Commission for their input.

Council unanimously approved Resolution 2010-2.

B. Tidal Trails Agreement

Mrs. Rucker stated that Tidal Trails has submitted a request to continue their franchise agreement with the Town. This request was reviewed by the Ways and Means Committee and their recommendation is to continue the franchise for one year through 2012. **Mayor Wert made a motion to continue the franchise agreement with Tidal Trails. Mr. Orban seconded the motion. Council unanimously approved the motion.**

C. Island Beach Services – Beach Franchise Renewal

Mayor Wert stated that the Island Beach Services Franchise Agreement expires December 31, 2010 and Island Beach Services has submitted a request to continue their franchise agreement with the Town; however, another party has requested to bid on the Beach Franchise Agreement. The Ways and Means Committee recommended that the Town seek competitive bids for the non-exclusive Beach Franchise Agreement. **Mayor Wert made a motion that the Town seeks competitive bids for the non-exclusive Beach Franchise Agreement. The motion was seconded by Mr. Burnaford.**

Mr. Orban commented that the Beach Services agreements are intended to be for a 3 year period; however, they are written so that they may be renewed each year after review of the franchisee's performance, in case there is unsatisfactory service. He stated that this contract was renewed last year and he would like to see it renewed again this year. Mr. Orban also commented that it would be fair to allow this company to finish the contract because when contracts are awarded for a certain period there is investment in equipment that is amortized over that period of time. Mr. Orban suggested renewing the Island Beach Services and the Resort's contract this year, and allowing them both to be bid on the service next year. He stated that the beach is very important to the Town and Island Beach Services has done a great job with no complaints.

Mr. Orban stated that at the time of the original bid there were 3 companies that bid. Island Beach Services offered the best proposal which included a \$50,000 franchise fee, new equipment, and the best rental rates

for umbrellas and beach chairs. He stated that a rating system was also used to determine which company would be best.

Mr. Lipuma stated that the Town should have some obligation to a company who has done a great job and invested equipment to depreciate over 3 years. He questioned whether this would be the right thing to do at this point.

Mr. McHugh stated that he was under the impression that last year the Town had committed to the Resort that they would be allowed to bid the next time the contract came open, and he is concerned about the Town keeping its word.

Mayor Wert stated that a commitment was not made and the Resort was told that they would be allowed to bid once the contract came open in the future when it is rebid. Mayor Wert stated that earlier this year the Resort asked for the opportunity to bid and he feels that it would be fiscally responsible to obtain the highest income for the Town. The Town also has the right to review the bids and make sure the highest bidder can perform the job.

Mr. Orban stated that he agrees with open bidding, but he does not feel this service should go up for bid every year if there is good service.

Mr. Rhoad clarified that all of the Town's franchise agreements are non-exclusive franchises. He stated that these agreements are drafted to protect the Town and the citizens. The custom is to renew the agreement yearly for the term of the contract if satisfactory service is received, but legally the Town has no obligation to extend the contract to a non-exclusive contract holder. The current franchise fee is \$50,000 or 8.5%, whichever is greater.

Mayor Wert stated that it was the recommendation of the Ways and Means Committee to seek competitive bids. Mr. Orban stated that the vote was 3-1.

Mayor Wert voted in favor of seeking competitive bids for the Beach Franchise. Mr. Lipuma, Mr. Orban, Mr. McHugh, and Mr. Burnaford voted in opposition. The vote failed 1-4.

Mr. Orban made a motion to renew Island Beach Services Franchise Agreement on the same terms of the \$50,000 or 8.5%, whichever is greater, and to include the renewal of the Resort's Beach Services Contract at next month's agenda. Mr. Lipuma seconded the motion. The motion passed with a 4-1 vote. Mr. Lipuma, Mr. Orban, Mr.

McHugh, and Mr. Burnaford voted in favor. Mayor Wert voted in opposition.

D. Coastal Hydro Power Contract Renewal

Mrs. Rucker stated that the Town has an agreement with Coastal Hydropower for the cleaning of the building's exterior and windows which expires December 31st. The Ways and Means Committee recommended the renewal of the Coastal Hydropower Agreement. **Mayor Wert made a motion to renew the Coastal Hydropower Agreement. Mr. Burnaford seconded the motion.** Mr. Lipuma requested to know why the Town is not seeking competitive bids since this request came with a 5% increase. Mrs. Rucker responded that there were very few qualified bids received for this project and clarified that this recommendation does not include the requested 5% increase. **Mayor Wert amended his motion to include the renewal of the Coastal Hydropower Agreement for 1 year without the requested 5% increase, and if the company does not accept these terms, then the item will be placed on next month's agenda for rebid. The motion was seconded by Mr. McHugh, and passed unanimously.**

VIII. Committee Reports:

Arts Council

Mr. Lipuma commented on the recent Holiday Strings Concert hosted by the Arts Council, and noted that there were over 900 in attendance. He also announced that "The Gift of the Magi" will be presented on December 12th. Mr. Lipuma stated that he opened discussion with the Seabrook Club regarding the Arts Council holding select events in their new Clubhouse Ballroom. The Club board reviewed the request and agreed to allow the Arts Council use of the ballroom at no cost. He stated that the Arts Council will probably limit the events held in the ballroom to 1 to 2 per year. Mr. Lipuma also noted that Bill Blizzard will be discussing arrangements for the February 4, 2011 "Planet D Nonet Big Band Event" with Club Banquet Manager, Michelle Pitney. He commented that this is a great opportunity to expand the field of venues.

Public Safety

Mr. Orban stated that there is a small project being completed on the Parkway's bridge. Three Oaks is completing the work under a \$50,000 contract which includes putting down gabions, additional fill and plantings on the slope to help prevent erosion.

Environmental Committee

Mr. McHugh commented that Kiawah is highly recognized as an "Environmental Gem" along the Sea Islands of the East Coast, and it has achieved this reputation through organizations working together such as the

Town, KICA, the Conservancy, and the Resort. He commented that several examples of this teamwork were discussed during the Environmental Committee meeting. Mr. McHugh stated that there is an opportunity to complete a reptile study on the Island with the help of the College of Charleston. Mr. McHugh stated that the Resort is now planning for the PGA. Due to tremendous logistical issues that exist around the Ocean Course, the Resort has worked with Mr. Jim Jordan and several state agencies to develop an alternate plan that will help minimize disruptions to the natural habitat. Mr. Lipuma commented that as the reptile study is completed, the rodent population should be considered so that there is an appropriate balance between rat snakes and rodents on the Island.

Johns Island Roads

Mr. Burnaford commended Mr. Paul Roberts for his continuous work with SCDOT regarding the roads. Mr. Burnaford also stated that the majority of the residents on Kiawah and Seabrook Islands are in support of the Greenway and I-526 project. He also noted that Johns Island residents voted 60-40 in favor of the project.

IX. Town Administrator's Report:

Mrs. Rucker stated that the Planning Commission recommended that the Town Administrator provide updates of the goals and objectives outlined in the Comprehensive Plan. Mrs. Rucker stated that beginning January 2011 she will be producing a Comprehensive Plan report card and working with the various entities involved to complete the objectives. She thanked Mr. Dittmeier for meeting with her to share ideas on how to develop the report card. Mrs. Rucker stated that the Parks & Recreation Commission recommends the Town's Greenbelt Project, and final approval from the County's Finance Committee should be received following the County Council Meeting. Mrs. Rucker recently attended the Council of Governments and CARTA meetings. She announced that 2 Master of Public Administration students were awarded \$1,250 scholarship from the SC City County Managers Association where she serves on the Scholarship Committee. A Council Retreat has been scheduled for January 2011.

Mr. Orban asked if the Council of Governments "COG" has taken any stand on I-526. Mrs. Rucker responded that the road is currently on the COG's long range transportation plan.

X. Mayors Report:

Mayor Wert stated that the Council Retreat is held every two years after an election to give the new Council an opportunity to set policy, discuss strategic issues, start the budget process, and give the staff direction on major budget issues if there should be any. Mayor Wert noted that the Annual Christmas Tree Lighting will be held tonight at 6:00 pm at the Sanctuary. In closing, he

asked that everyone remember that it is Pearl Harbor Day and Election Day for the Town of Kiawah, and wished everyone a Happy Holiday.

XI. Citizens' Comments:

A. Roger Warren, KIRA

Mr. Warren commented that the Island Beach Services bid process is inconsistent with that of last time. Mr. Warren noted that he lost a significant portion of the beach services contract because of the way the agreement was written. Mr. Warren stated that they too had invested in chairs and umbrellas that they could not amortize at that point. He stated that he appreciates the reasoning behind today's vote regarding Island Beach Services; however, this needs to be consistent every time. He stated that if anything happens to change the passage of the Island Beach Services contract, he asked that Council reconsider their vote.

B. Butch Neal

Mr. Neal thanked Council for the renewal of his beach services contract and commented that he feels it was the best possible solution. He noted that he started the beach services on Kiawah and vowed to take care of the beach with the utmost respect.

C. Marilyn Blizard, 736B Virginia Rail Rd.

Mrs. Blizard stated that she is very happy with Council's decision to maintain the 2nd biologist position. She commented that Kiawah has a treasure in its ecosystem that is very fragile, and each person here should hold that reputation high and strong.

XII. Council Member Comments:

Mr. Burnaford

Mr. Burnaford wished everyone a Happy Holiday Season.

Mr. McHugh

Mr. McHugh stated that he enjoyed serving as Councilman.

Mr. Orban,

Mr. Orban thanked everyone who supported him during his 8 years as Councilman. He also commented that he served on several committees during his term, and thanked all the committee members for their support.

Mr. Lipuma,

Mr. Lipuma wished everyone a blessed and safe Holiday Season.

Mayor Wert,

Mayor Wert asked for a brief recess so that Council may prepare for Executive Session to discuss personnel matters regarding employee appraisals and salaries.

XIII. Adjournment:

There was no action taken in executive session.

Mayor Wert motioned to approve the Town salaries and appraisals as discussed in Executive Session. Mr. Burnaford seconded the motion. The motion passed unanimously.

The meeting adjourned at 3:58pm.

Submitted by,

Lakesha Shannon, Town Clerk

Approved by,

William G. Wert, Mayor

Date