

**TOWN COUNCIL MEETING  
KIAWAH ISLAND MUNICIPAL CENTER  
COUNCIL CHAMBERS  
June 12, 2007, 2:00 PM**

**Minutes**

- I. Call to Order: Mayor Wert called the meeting to order at 2:00 PM.**
- 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  
**Council:** Alan L. Burnaford, Mayor Pro Tem  
Don McIver  
Charles R. Lipuma  
G. Steven Orban
- Also Present:** Tumiko Rucker, Town Administrator  
Amber Simmons, Town Clerk  
Dennis Rhoad, Town Attorney  
Kenneth Gunnells, Town Treasurer
- V. Approval of Minutes:**
- A. Town Council Minutes: May 1, 2007**
- Mr. Burnaford moved to approve the Town Council minutes as submitted; motion seconded Mr. Orban. Motion carried unanimously.**
- B. Town Council Minutes for Public Hearing: May 1, 2007**
- Mr. Burnaford moved to approve the Public Hearing minutes as submitted; motion seconded by Mr. Orban. Motion carried unanimously.**
- VI. Citizens Presentation: None**

**VII Old Business:**

**A. Ordinance 2007-4: FY07/08 Budget (2<sup>nd</sup> Reading)**

Mr. McIver reviewed the FY 07/08 Budget. He noted that there were some changes to the budget, but they were not substantive changes. Mr. McIver explained the changes which included the following: an increase of \$50,000 in business license revenue, an increase of \$26,000 in the General Fund for consultants-professional, and an increase of \$100,000 in the Hospitality Fund for Beachwalker Drive landscaping and improvements, and a decrease of \$12,200 in the Enterprise Fund.

Mr. McIver noted that there is an increase in the General Fund of \$26,000 composed of two different items: \$6,000 for the GIS project with the College of Charleston and \$20,000 for a contract with VC3 for system consulting. The decrease of \$12,200 in the Enterprise Fund is based on the agreement with the Towns contractor, Suburban. The increase of \$100,000 in the Hospitality Fund is for landscaping and repairs on Beachwalker Drive. This was originally projected in the FY06/07 Budget; however, the work could not be completed prior to June 30, 2007. Mr. McIver noted that additional funds were added to this line item because a storm water pipe needed to be repaired on Beachwalker Drive.

In addition, Mr. McIver explained the new fee schedule for solid waste collection on the Island (fee schedule attached).

**Mr. McIver moved to approve second reading of the ordinance 2007-4; motion seconded by Mr. Orban. Motion carried unanimously.**

**VIII New Business:**

**A Substance Abuse & Drug Testing Policy**

Mrs. Rucker said that January of 2007 the Town updated its employee handbook. In conjunction with the update of the employee handbook the Town has also updated its substance abuse and drug testing policy so that it is in compliance with State law.

This new substance abuse and drug testing policy establishes two different issues. First, it establishes a drug free work environment and a substance abuse and drug testing policy for all employees for the Town.

Mrs. Rucker noted that she has worked with a labor attorney to complete this policy and the Town's Attorney has also reviewed it. She requested approval from the Town Council to adopt this new policy.

**Mr. Burnaford moved to approve the Town of Kiawah Island Employee Substance Abuse and Drug Testing Policy; motion seconded by Mr. Orban. Motion carried unanimously.**

Mr. Lipuma asked if the substance abuse and drug testing policy would apply to Town volunteers, committee members, and Council members.

Mayor Wert said that this policy would only apply to Town staff.

**B. Contract Amendment- Tidal Trails**

Mayor Wert said that we are extending the terms of the existing contract through October 31, 2008. Mayor Wert noted that the Town has checked with the Community Association and they did not have an objection to extending the terms of the existing contract. Mayor Wert said that this was forwarded from the Ways and Means Committee requesting approval.

**Mr. McIver moved to approve the contract amendment for Tidal Trails; motion seconded by Mr. Burnaford.**

**Mr. Lipuma moved to amend the existing contract and added a clause on page 6 the last paragraph to state the following: The Franchisee shall take all appropriate and necessary steps to ensure that customers using the above referenced equipment shall utilize the same in a safe manner and in a safe location. Mr. McIver and Mr. Orban seconded motion. Mayor Wert and Mr. Burnaford voted nay. Motion carried 3 to 2.**

**C. Contract Renewal- VC3 Information Technology Services**

Mrs. Rucker said that this contract would formalize the relationship between the Town and VC3. This contract is on an ongoing basis for VC3 to supply the Town with monthly, and regularly scheduled maintenance of our current server, network, computer, printers, and other equipment. It will also provide us with updates as needed and any preventive maintenance that is required on our systems to ensure that we are up and running on a constant basis.

Mr. Rucker noted that the Ways and Means Committee has reviewed this contract and forwarded it to Town Council for approval. Mrs. Rucker noted that the Town's Attorney has commented on the contract and asked VC3 to review his comments pertaining to the contract.

**Mayor Wert moved to approve the contract renewal for VC3 Information Technology Services; motion seconded by Mr. Burnaford. Motion carried unanimously.**

**D. Resolution 2007-02: Project Impact**

Mrs. Rucker said that on an annual basis the Town is required, as a part of the Charleston County Regional Hazard Mitigation Project, to reaffirm the Town's participation in the project; which assists us with our insurance rating on the Island. This resolution would reinstate our participation in the project for 2007-2008.

**Mr. Orban moved to approve resolution 2007-02; motion seconded by Mr. McIver. Motion carried unanimously.**

**E. Resolution 2007-03: Finance Office Disaster Minimization Policy**

Mrs. Rucker said that the Finance Office Disaster Minimization Policy is a subset for the Town's Disaster Preparedness Policy, and specifically speaks to ensuring that all measures are taken to prevent loss of financial records and any of the financial systems that we use to account for the Town's revenues and expenditures. The Association of Public Treasurers United States and Canada designed this policy. Mrs. Rucker noted that the Town is an active member of the Association of Public Treasurers United States and Canada and She would recommend this policy for approval by the full Council.

**Mr. McIver, Mr. Burnaford, Mr. Lipuma, and Mr. Orban moved to approve resolution 2007-03; motion seconded by Mayor Wert. Motion carried unanimously.**

**F. Ordinance 2007-05: To Amend Section Article 12A-205, R-1, Residential; To Amend Section 12A-206, R-2 Residential, to Adopt Parcel Specific Setback Requirements for certain lots; to add Article 12G. Kiawah Island Property Setback Requirements Appendix; and to Amend Section 12A-216, Waterfront Development Standards.**

Mayor Wert said that the Town modified Article 12 and Town ordinances following the development agreement with KRA in 2005. Mayor Wert noted that when we did this development agreement, we tried to broad brush zoning on various areas on the island. The unintended consequence was not pretty.

We are not a Community of parallel streets and blocks but a Community of irregular lots and subdivisions. We found, that in many cases, several lots had to be looked at individually for setbacks and critical lines. As a result, the Town Council requested the Planning Commission to review the requirements for R-1 and R-2 districts, and the waterfront development standards.

Mayor Wert expressed his gratitude to the subcommittees of the Planning Commission, who worked many hours on defining, delineating, and specifying where we should have modifications and changes. Mayor Wert

noted that the subcommittees worked in conjunction with Amanda Mole, Kiawah Island Architecture Review Board, and with Charleston County Planning to formulate a solution.

Mayor Wert said that the Planning Commission held a properly noticed public hearing on June 4, 2007 to receive public input on these issues. Mayor Wert noted that this is the first public hearing that he has attended in 9 years of his public service on Kiawah where the only three comments made were all positive towards the work that the Planning Commission and the subcommittees had done.

Mr. Lipuma noted that Article 12G was not clearly defined, and more importantly, was missing. He agreed to work with staff, Planning Commission, and the Kiawah Island Architectural Review Board prior to second reading.

**Mr. Burnaford moved to approve first reading of ordinance 2007-5; motion seconded by Mr. Orban. Motion carried unanimously.**

**G. Ordinance 2007-06: To approve the Issuance of a General Obligation Bond for the Kiawah Island Parkway Project**

Mr. McIver briefly explained ordinance 2007-06. The purpose of the ordinance is to approve the issuance of a General Obligation Bond for the Kiawah Island Parkway Project. Mr. McIver pointed out, that a section in the ordinance states, that a property tax could be imposed for repayment of the loan. This language serves as collateral for the bondholder. Mr. McIver further noted that the Town has enough funding available to cover the bond. Mr. McIver noted that the Town has a strong financial position, and that the repayment of these bonds is not anticipated to be a problem.

**Mr. McIver moved to approve first reading of ordinance 2007-06 to approve the issuance of a General obligation Bond for the Kiawah Island Parkway Project; motion seconded by Mr. Burnaford. Motion carried unanimously.**

**H. FOIA Policy for the Town of Kiawah Island**

Mayor Wert said that the Town of Kiawah Island would strictly adhere to the Freedom of Information Act. The Town's policy is as adopted by the State of South Carolina.

There has been a question raised if the Town of Kiawah Island has a Freedom of Information Act Policy. It has always been understood by this Council and previous Councils, that the Town will follow the State of South Carolina's

Freedom of Information Act; but this policy enacted today will finalize the Town's position

Mayor Wert noted that the Town did try to keep up with the technology and started emailing and faxing the agendas. He noted that no good deed goes unpunished. We have found with the present e-mail systems, that after sending the e-mails several hours later, the e-mail would be returned as undeliverable. Then, the staff would have to scurry about trying to find out which address was incorrect to ensure that we meet the 24-hour notification requirement. This became more cumbersome than it was worth and went well beyond what the Freedom of Information Act requires. As a result, a few months ago the Town Council announced that we were no longer going to email meeting notifications. Mayor Wert noted that the Town does meet the requirements set forth by the Freedom of Information Act. Mayor Wert said that he is glad to say that out of 3000 property owners only 2 have objected to this change.

He noted that meeting notifications would be posted on the bulletin board and on the Town's website at least 24 hours in advance. Also a yearly calender of the Committee meetings and Town Council meeting will continued to be provided at the Town Council meeting in January of this year. In addition, the meeting schedule for each month is posted in *Town Notes*.

Mr. Lipuma asked if this policy should be adopted by way of ordinance or resolution.

Mayor Wert said this policy would be adopted by resolution.

Mayor Wert reaffirmed that this policy will be adopted by way of resolution.

**Mayor Wert moved to approve the Town of Kiawah Island Freedom of Information Act Policy; motion seconded by Mr. Lipuma. Motion carried unanimously.**

**IX. Correspondence: None**

**X. Committee Reports:**

**Environmental Committee**

In May there were ten wildlife calls. The most notable accounts were the 2 deer killed by automobiles and the 2 alligators calls. At month's end, a 10-foot alligator was prodded off of Surfsong Road into the adjacent woods.

The final Bobcat GPS study is being compiled and should be completed by mid June.

Kiawah's East End has experienced a bumper crop of Least Tern chick hatchlings. It would appear that the beach renourishment project has been very beneficial to Kiawah's bird population.

### **Arts Council**

The Arts Council 2006/2007 season came to a conclusion in May with three events; the French Cabaret Singer, the Silent Movie Night featuring Charlie Chaplin's Gold Rush, (both were held at the Sandcastle) and Prelude to Piccolo Spoleto at Holy Spirit Catholic Church.

Mr. Lipuma noted that active planning is underway for the 2007/2008 season, which will commence in October.

### **Public Safety**

On June 4, 2007 Mayor Wert convened a meeting of the Emergency Management Committee; which included the Town, KICA, KRA, the Resort, Berkeley County Electric, and the Kiawah Island Utility Company. During the meeting we revised standard protocol procedures and redefined that the Town has primary responsibility for issuing all directions during an emergency or evacuation. The Mayor or his designee would issue any evacuation orders to the committee members and to the residents of Kiawah Island.

We also discussed our Code Red notification system and encouraged all residents or non-residents, who had not signed up, to do so by calling Town Hall, or visiting the Town's website.

### **Kiawah Island Parkway Project**

Mr. Orban reported on the progress with the permitting agencies as it relates to the Bike Path and Kiawah Island Parkway Renovations Project. Mr. Orban said that an article would be published on the Kiawah Island Parkway Project in the July issue of *Town Notes*.

### **Financial Report**

Mr. McIver said that we have eighteen days left in this fiscal year and would finish this year with a financial surplus.

Mr. McIver recognized Mr. Gunnells for his accomplishments in finishing projects and assignments in his short tenure with the Town.

Mr. McIver said that Town Hall is ten years old and repairs would need to be completed throughout the building. He gave examples of some of the repairs, which included cleaning the HVAC System, bathroom updates, paving the dirt

parking lot next to Town Hall, and repainting the lobby area of the main entrance to Town Hall.

### **Communications Committee**

Mr. Burnaford said that the Communications Committee met and continued discussion on combining *Town Notes* and *The Digest* into one mailing unit. *Town Notes* will continue to contain Town of Kiawah issues, and *the Digest* will continue to contain KICA information. Both publications will be mailed as one document to all property owners.

The Communications Committee has received positive feedback from various committees on the island, who are committed to demonstrating the philanthropy of the Kiawah Property Owners. The committee will continue to work with the *Post & Courier* to publish pictures of Kiawah residents engaged in philanthropic activities.

### **Johns Island Council**

Mr. Burnaford said that Mayor Wert and Mayor McNulty (Seabrook) sent a joint letter and a copy of the 2001 road study for Johns Island to the Charleston County Council. This study requires some traffic updates, but is current for road improvement purposes. Mr. Burnaford has contacted Paul Thurmond (Councilman for Kiawah and Seabrook) regarding the plan and the need for County Council to take action to fix the roads on Johns Island to handle existing the traffic and traffic that could be generated by the already approved developments, including 6000 new homes.

## **XI. Town Administrator's Report:**

Mrs. Rucker provided an update on the ongoing projects occurring at Town Hall. The telephone system was completed on Friday, June 8<sup>th</sup>, 2007. The Disaster Recovery Back-up System with VC3 is scheduled to begin Friday, June 15, 2007 and will be completed by June 30<sup>th</sup>, 2007.

Mrs. Rucker said that she recently attended the Administrators meeting held at Charleston County, where they discussed the requirements of local governments to participate in the National Incident Management System training referred to as NIMS. Mrs. Rucker noted that this is a requirement by the federal government that all county jurisdictions become fully compliant with the methods and procedures in the event of a disaster or an emergency. The requirement is that every local jurisdiction within the county complete the required training; otherwise, the county will be deemed noncompliant with the federal requirements. Mrs. Rucker said that the Town is working towards registering for the required training.

Mrs. Rucker said that the Town is preparing for the 2010 Census and although it is three years away, there are many steps to be completed before the census occurs. Mrs. Rucker said that there is a requirement, as well, for local government called the Local Update to Census Addressing, commonly known as LUCA. Mrs. Rucker noted that during the last census, Charleston County lost several million dollars in federal grants because of the lack of information provided during the census.

Mrs. Rucker said that the Town would make every effort possible to ensure that the census information for the Town of Kiawah Island is accurate. Mrs. Rucker said that she looks forward to working with the Kiawah Island Community Association, the Kiawah Island Architecture Review Board, and other entities on the Island to ensure that the 2010 Census information is correct.

Mrs. Rucker also recognized Kenneth Gunnells, Town Treasurer, for his hard work since coming on board with the Town. Mrs. Rucker noted that Mr. Gunnells has worked long hours in the Finance Department, since his arrival, and is truly an asset to the team.

The Town will host the 10<sup>th</sup> Annual Disaster Awareness Day Event on June 13, 2007 at the Sandcastle.

## **XII Mayor's Report:**

Mayor Wert encouraged all property owners to participate in "Code Red". This is the Town's emergency notification system and would be used to notify property owners, via a telephone call, in the event of an emergency.

Mr. Orban noted that currently 80% of property owners are participating in Code Red.

Mayor Wert said that during the Senior PGA Tournament, it really showed the Town of Kiawah at its finest. He recognized the two co-chairs of the Senior PGA Tournament, who were present during the meeting, and recognized the 2000 volunteers who made the event possible.

Mayor Wert encouraged property owners to participate in the 10<sup>th</sup> Annual Disaster Awareness Day on Wednesday, June 13, 2007 at the Sandcastle.

Mayor Wert said the Town's Turtle located at Freshfields has received an enormous response from the public. In fact, as soon as the turtle was placed at Freshfields, two different people wanted to purchase the turtle right then. Mayor Wert noted, that although the Council received criticism from some property owners for placing the turtle at Freshfields, the South Carolina

Aquarium received positive feedback. Mayor Wert explained that participating in the project would be used to fund turtle research at the South Carolina Aquarium.

Mayor Wert said that the Town has located the owners of the yellow floats that washed up on the beach. The floats are actually dredging equipment owned by Great Lake Dredging, who are currently working on a project at Folly Beach, South Carolina. They will remove the equipment as soon as possible.

Mayor Wert said that he met with US Congressman Henry Brown on June 10, 2007 and discussed the widening of Bohicket Road. US Congressman Henry Brown is very supportive of widening Bohicket for emergency purposes; however, he noted that the widening would not be completed until after the completion of I-526.

Mayor Wert congratulated staff members from *The Island Connection* newspaper. Mayor Wert said that he finds the information to be concise, correct and thorough reporting. Mayor Wert said that it is very nice to have an additional information source.

### **XIII. Citizens' Comments/Questions:**

Leo Fishman, 247 Saltgrass Court, expressed his gratitude to the Council for their donation, on behalf of the Town to the Charleston Symphony Orchestra. He noted that during the time the donation was given the Charleston Symphony Orchestra, they were experiencing financial difficulties. Mr. Fishman said that since that time, the Charleston Symphony Orchestra's financial standing has turned around and the CSO would complete this year with a financial surplus.

Wendy Kulick, 38 Marsh Edge Lane, commended the Planning Commission for the process that they went through to complete revisions to the zoning ordinance. The Planning Commission should be commended for their hard work and dedication in addressing the issue of the setbacks in their entirety. She also thanked Bernie Kirol for discovering this issue and bringing his concerns to the Planning Commission.

Mrs. Kulick expressed her gratitude to the Town Council members for posting the Town Council meeting at the front gate.

Mrs. Kulick asked if the Town Council members have assessed the impact that the planned mini-amphitheater at Seabrook would have on the Community Performing Arts Center?

Mrs. Kulick discussed her growing concern about the communication problem on the island and the difficulty of using the Town's website, for the purpose of meeting notifications. Mrs. Kulick noted that the Town is no longer putting the agendas for the meetings on the website and requested that the agenda be put back onto the website, so parties of interest would at least know what the agenda items will be. She also commented that until around noon today, she was unaware that agendas were available at Town Hall for review at least 24-hours prior to the meetings.

Mrs. Kulick asked why the Town is only doing the minimum, when historically they have always gone over and above. In her opinion, the Town is taking a step backwards, instead of forward and asked the Town to take a proactive approach to addressing the communications problem.

**XIV Council Members Comments:**

No comments from Mr. Lipuma, or Mr. Burnaford.

Mr. McIver commented on the current road conditions on Johns Island. He encouraged Charleston County Council members to drive on Bohicket Road during rush hour traffic, between the hours of 8:00 AM and 4:00 PM to observe the current road conditions.

Mr. Orban said that the Town would publish an article in *Town Notes* on the status of the Kiawah Island Parkway Project in the July issue.

**XV. Executive Session: Legal Matters**

**Mayor Wert moved to adjourn the regularly scheduled Town Council meeting at 3:00 PM; motion seconded by Mr. Burnaford. Motion carried unanimously.**

**Mayor Wert moved into executive session at 3:05 PM to discuss legal matters; motion seconded by Mr. Burnaford. Motion carried unanimously.**

Mayor Wert noted that no decisions or actions were taken during executive session.

**XVI. Adjournment:**

**Mr. Burnaford moved to adjourn the meeting at 3:50 PM; motion seconded by Mr. McIver. Motion carried unanimously.**

Submitted by \_\_\_\_\_  
Amber Simmons, Town Clerk

**Approved:** \_\_\_\_\_  
William G. Wert, Mayor

**Date:** \_\_\_\_\_

CC: Mayor Wert  
Dennis Rhoad, Esq.  
Tumiko Rucker, Town Administrator  
Council Members  
Town Treasurer  
Planning Commission