

**Town Council Meeting
Kiawah Island Municipal Center
Council Chambers
August 4, 2009; 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 Mayor Pro Tem
Charles R. Lipuma
G. Steven Orban
Harry M. McHugh

Also Present: Tumiko Rucker, Town Administrator
Dennis Rhoad, Town Attorney
Catherine Wilson, Town Clerk

V. Mayor Wert moved without exception to add item XIV, Executive Session for Personnel Matters to the agenda.

VI. Citizen Presentation:

A. Kiawah Island Beach Polo Match, Joe Bunting, KICA

Mr. Bunting stated that historically wild horses were on the Island until the 1970's and the Island had American Quarter Horse racing as late as 1984. He stated that KICA wants to bring back horses to Kiawah's beach with a beach polo match, on September 20 at low tide. This event will be free to the public but there will be a paid social event at the Beach Club. The paid social event will benefit the Kiawah Island Habitat Conservancy. There will be an opening reception at 2:00pm where individuals will be able to meet the players. After the match there will be another social event with open bar and heavy hors d'oeuvres at the Beach Club. There will be no bleachers on the beach and attendees will be allowed to bring their own chairs.

Mayor Wert motioned to add New Business item B: Approval of Kiawah Island Beach Polo Match to the agenda. Mr. Burnaford seconded the motion. The motion carried unanimously.

VII. Approval of Minutes:

A. Town Council Minutes for July 7, 2009

Mr. Lipuma motioned to approve the minutes for July 7, 2009, Mr. Orban seconded the motion. The motion carried unanimously.

VIII. Old Business:

A. Second Reading-Ordinance 2009-6-Amendments to Article 16 Relating to the Control of Pets.

Mayor Wert stated that there was a Public Hearing held at 1:00pm and there were no comments or suggestions made from the public concerning the Ordinance.

Mayor Wert motioned to approve the second reading of Ordinance 2009-6. Mr. Burnaford seconded the motion.

Mr. Lipuma stated that there is a recommendation included in the packets from Jim Jordan, TOKI, and Mrs. Rucker and that he believes it has a lot of appeal and logic. He explained that the recommendation takes the eastern and western most ends of the Island and designates those areas as critical habitat where no dogs are allowed. Mr. Lipuma stated that there are a lot of birds that are now being spotted nesting in these areas and that dogs can disturb nesting habitat. He explained that this area would be better protected if designated as critical habitat. He stated that the map shows that year round, dogs are allowed off the leash and under voice command, from the Ocean Course pedestrian access east, to the section marked as critical habitat and from Beachwalker County Park vehicle access west, to the area marked as critical habitat. The areas between the Beach Club and Beachwalker County Park will allow leashed dogs year round. He stated that this proposal makes a lot of sense to him and suggested it be included in the Ordinance.

Mr. Lipuma motioned to adopt the suggested changes along with the Ordinance.

Mr. Rhoad stated that the changes will extend the already defined critical habitat areas.

Mayor Wert stated that he believes that these recommendations constitute a substantive change in the Ordinance and that he feels it should be read for first reading again.

Mayor Wert called for a vote on the original motion to approve the second reading. The second reading of Ordinance 2009-6 failed unanimously.

Mayor Wert stated that the changes should be included in the Ordinance and this reading, by name only, can be considered first reading.

Mayor Wert motioned to approve the first reading of Ordinance 2009-6 to include the recommendations from Town Staff that define additional critical habitat areas on the beach. Mr. Lipuma seconded the motion. The motion carried unanimously.

Mr. Rhoad stated that he will draft a revised Ordinance to include the newly added critical areas of the beach.

Mayor Wert stated that there will be a Public Hearing for this Ordinance on September 1 at 1:00pm.

Mr. Orban stated that the legend should clearly read that where dogs are allowed off leash they must be under “voice command.”

B. Second Reading-Ordinance 2009-7-Amendments to Article 8 Health and Sanitation: Section 105 and 107

Mayor Wert stated that a Public Hearing for Ordinance 2009-7 was held at 1:30pm just before the Town Council meeting. He stated that there were also three other meetings where the solid waste/recycling issues were discussed. Mayor Wert explained that those meetings were KICA meetings and were initiated by Joe Bunting, KICA.

Mayor Wert stated that he feels that all suggestions and recommendations from the public would require very substantive changes to the First Reading of the Ordinance and that he does not feel a second reading would be appropriate.

Mayor Wert stated that he would like to refer the Ordinance back to committee that will be chaired by Mr. McHugh and include a group of volunteers that will work to incorporate the changes that have been recommended. He stated that the committee will include regime managers and presidents. Mayor Wert asked that the committee provide Town Council with a revised Ordinance in a time that will allow for passage of a new Ordinance before the end of the year. This will allow the Town time to negotiate a new contract with the solid waste provider prior to January 1.

Mayor Wert noted that the yard debris portion of the Ordinance will be removed because it is very clear that each regime has a contract for their own landscaping and that the debris is removed as soon as landscaping is complete. He explained that it would be short sighted for the Town to require the debris to be left for the Town to pick up.

Mayor Wert motioned that Ordinance 2009-7 should go to back to committee where the changes and suggestions can be incorporated. Mr. Orban seconded the motion. The motion carried unanimously.

Mr. Lipuma stated that it occurred to him that the Maritime regime was missing from the 21 regimes and he is unclear why that is the case. He stated that he followed up with Mrs. Rucker and found that the single family detached homes in the Settlement are also not included. Mr. Lipuma asked Mr. McHugh to address these issues in the Committee.

Mayor Wert stated that the definition for regimes that the Town has been using included only “attached” homes and it has been discovered that there are other homeowner associations that the Town had not previously listed under regimes because they were following the current Town service and were “detached.”

Mayor Wert stated that the intent was to offer the opportunity for every property owner to be able to recycle. He stated that it is unintended consequences that the Town got to where they are and that the intent was always to provide equal opportunity to participate in recycling service.

VIII. New Business:

A. First Reading-Ordinance 2009-8-Amendments to Article 17 Tidelands Management

Mayor Wert stated that the Town does not have the requirement in Article 17 that the Town be notified when a bulkhead or revetment application is submitted to OCRM. This Ordinance requires simultaneous submission to both the Town and OCRM. He explained that this does not mean the Town will have approval, but will have the ability to be aware of the application and provide comment to OCRM.

Mr. Lipuma motioned to approve the first reading of Ordinance 2009-8. Mr. Burnaford seconded the motion.

Mr. Burnaford recommended that language for docks be included in the Ordinance. Mr. Lipuma stated that he feels the Key Location Ordinance is sufficient and works correctly.

Mr. Rhoad stated that as far as the platting process is concerned, when County Planning staff receives a plat with a dock, they provide that information to the Town. Mr. Rhoad stated that Ordinance 2009-8 does not relieve a property owner of any other requirements of the Town.

Mr. McHugh asked if the Town would receive subsequent revisions to the permit applications. Mr. Rhoad stated that the Ordinance includes language that requires all amendments to the permit application be submitted to the Town.

Mr. Rhoad stated that the Town has not done this in the past but there is a mechanism to penalize non-compliance with the notification and violators can be issued a citation.

After discussion, the Mayor called for a vote and the motion carried unanimously.

Mayor Wert stated that the Public Hearing for this Ordinance will take place at 1:30 on September 1.

A. Kiawah Island Beach Polo Match

Mr. Burnaford motioned to approve the Kiawah Island Beach Polo Match.

Mr. Orban seconded the motion.

Mr. McHugh requested information on how the dunes will be protected. Mr. Bunting stated that the horses will be stationed at the parking lot west of the Beach Club and nothing will be stored on the dunes. The event will not have bleachers on the beach. Attendees will go from Beach Club to beach and will not walk over dunes. Horses will go down the Town's access to beach and will not go through the dunes. He explained that KICA worked very hard to minimize the environmental impact and that the safety of the beach, animals, participants, and guests is very important to them.

Mr. Burnaford asked if the Town has any liability.

Mr. Rhoad stated that he has spoken with KICA's attorney and if Council approves the event, the Town would like to be indemnified and added as a named insured for the event. Mr. Bunting stated that KICA is prepared to meet both of those requests. Mr. Bunting stated that they have also received safety advice from the Aiken and Miami Polo Clubs.

KICA security personnel will be on site and the polo players will sign waivers and the Town will be included. Beach Patrol will have regular access. Spectators will be covered under the KICA special event policy. Volunteers are covered by KICA's D & O policy. The host is also covered because SC has a limited liability statute that excludes hosts of equine events for liability from the participants.

Mr. Lipuma stated that it is a creative event and sounds like it will be fun. He asked if there are any other agencies that may require permitting. Mr. Bunting replied that he did not know if any other agencies.

Mr. Orban asked for details on the parking plan. Mr. Bunting stated that Robbie Crawford, KDP, stated that they can handle the parking at the Club. This event is not being advertised off-Island and is only available for KICA members and guests. Mr. Bunting stated that he is looking into satellite parking with a KICA

shuttle provided. Mr. Bunting stated that he did not anticipate a large crowd. Mr. Orban stated that he would not downplay the possibility of a large crowd.

Mr. Orban asked what teams will be playing. Mr. Bunting stated that he is unsure of the teams but that Chip and Bryan Limehouse will be playing and in charge of getting other players and the referee.

Mayor Wert asked that KICA have the indemnification papers to the Town before the September 1 Town Council meeting. Mr. Bunting agreed to the request.

After discussion, the Mayor called for a vote and the motion carried unanimously.

IX. Committee Reports

Arts Council

No report.

Parkway Project

The Town has received all permits and the work is progressing well. BEC is essentially complete with conduit installation and will finish up tie-in boxes within the next weeks. The Town's contractor has started construction of the bridge and is now working on pier caps and buttons. Landscape and irrigation plans will be complete by mid-August. The Town hopes to start landscaping by mid-September. He stated that things are finally moving along well and pilings are in without any mishaps.

Public Safety

Mr. Orban stated that the Public Safety Committee met in July and that Joe Croughwell, KICA, stated that there have been several acts of vandalism including: stolen bikes, broken lights, destroyed mail boxes, and trash in swimming pools in the West End area. The Island is still having a proliferation of false alarm calls and average about 20 false alarms responses per month. Those false alarms cost the St. Johns Fire Department both in actual costs and safety. One suggestion was an Ordinance to punish the false alarms "repeat offenders" but the current practice is to send letters in an attempt to educate. The main issue discussed was about accident clearing on the Parkway. Mr. Orban stated that there was an accident that stopped traffic for 2 hours and 15 minutes. The problem of clearing seems to be that if it is not a life threatening issue, the wait is for wreckers. The wreckers are on a rotation list and respond based on rotation, not location. The second wrecker for the Parkway accident came from North Charleston or Summerville. He stated that the drive alone is an hour or more. There is also an issue of who is in charge when there is a situation like that. He explained that if there is a fire, then the fire department takes charge; if there are injuries then EMS; and if it is a wreck, Charleston County Deputies. Mr. Orban stated that KICA security and Mr. Juan Martin, TOKI, basically directed traffic

and there was a lack of Sheriff's Deputies on the scene. Mr. Orban stated that perhaps the Town can use Phipps for wrecker service because they are local and could save a lot of time. He stated that minor injury Parkway accidents should be cleared in under two hours and that they will continue to work on this issue.

Mayor Wert stated that during the Disaster Awareness Day it was discussed that if there is an emergency call during another emergency that has stopped traffic, the fire trucks will literally push cars out of the way to access the second emergency call.

Beach Patrol

Mr. Orban stated that service on the beach has slipped. He explained that there was a wrecked beach patrol vehicle last week and service has been less responsive to the beachgoers than it should be. He stated that the Mayor sat in on a meeting with Beach Patrol management and they have been told to do a better job than they have been doing.

Environmental

The Environmental Committee did not meet this month.

Solid Waste and Recycling

Mr. McHugh stated that there has been a lot of emotion with the word "mandatory" and a lot of complaints were "one size does not fit all." He stated that he is confident that they can develop a proposal that reflects the needs of all residents.

Johns Island Roads

Mr. Burnaford stated that more mailboxes have been taken down by vandals; a total of 18 in two days.

Mr. Burnaford stated that Mr. Paul Roberts has done a wonderful job bringing the Greenway across Johns Island to the forefront and had it not been for him and his expertise in transportation, it would not have had as much momentum as it does. Mr. Roberts is looked at as an expert by all involved. In the last month they have met with various County Council members. They spoke to them on the roads' issues at the last County Council meeting. Mr. Joe Croughwell, KICA prepared a report and found that there are more deaths on River Road than any other road. Mr. Burnaford stated that in his opinion, the Greenway idea is moving rather quickly. The Mayor of Charleston is now in support of the process. The POA at Seabrook, Town of Seabrook, KICA, and the Town of Kiawah are all on board and working toward the same idea. This is a Greenway that is 300 feet wide that does not allow a lot of cuts into the road. The roadway will be at-grade and have a bike/pedestrian path and an equestrian path. Last week, a letter was sent to the Chairman of County Council and to the City of Charleston to attempt to get a process for going forward. Mayor Riley supported this letter. He stated that he has a feeling that with the momentum they have now, that this project will

happen. He hopes it will get on the CHATS schedule and be approved by the Council.

Mr. Orban asked if this would be a DOT road. Mr. Burnaford stated that a final payer has not been picked because it needs to go through Council for approval.

X. Town Administrator's Report

Mrs. Rucker stated that she has continued to meet and work with Steve Orban and the construction managers for the parkway biweekly. She stated that they had a meeting with Beach Patrol and the vehicle that was lost has been replaced, uniforms have been replaced, and arrival time has improved. She has also met with the Solid Waste Contractor and will continue to monitor their new employees. Wildlife has started a bird banding study and prepared a report outlining the results. The report takes into account the smaller birds that are not included in breeding bird survey. Aaron Given and Jim Jordan have been working a lot with this project and Mr. Given has a particular expertise in bird identification. Mrs. Rucker attended the CARTA board meeting where the board authorized the purchase for new busses from funds from the ARRA, Stimulus funding from the Federal Government. The current CARTA busses are from the Atlanta Olympics. CARTA received the financial report and received a clean audit opinion from the last fiscal year. Ken Gunnells attended the APT annual conference in Spokane, WA where he received a plaque recognizing the Town for its second Certification of Excellence in Investing. Mrs. Rucker congratulated Mr. Gunnells for his hard work in getting the policy certified on the national level.

XI. Mayor's Report

Mayor Wert stated that he would like to clarify that the Beach Patrol vehicle was not lost but it was damaged beyond repair. The pictures that were passed around on bird banding show a shadow from the bird's foot, not a bird injury. The birds are not injured in the banding. The alligator spotlight surveys are in. Jim Jordan, Aaron Given, Norm Shea, Karrie Manson, and Mike Parrish complete the surveys at night by shining light off of alligator eyes for a count. The Mayor stated that the process is semi-scientific and last year there were 537 and this year there were 450. The Mayor stated that there has not been a great reduction in alligators, those were simply the ones counted. Mr. Burnaford stated that this number is a healthy level of alligators.

Mayor Wert stated that a hearty congratulations is due to Mrs. Rucker. He explained that in March, he talked about Mrs. Rucker's application to the Liberty Fellowship. He explained that this is an organization that assembles leaders that embody a wide range of thought to be role models for the next three years and speak to groups across the state. There were over 250 nominations and he is extremely pleased to announce that Mrs. Rucker is one of the twenty-one selectees for the Liberty Fellowship. She will be a Liberty Fellow for the next three years and not just the Town's representative, but will speak as a

representative to groups all across SC. He congratulated Mrs. Rucker and stated that they are very proud of her accomplishments.

XII. Citizens' Comments:

Wendy Kulick, 38 Marsh Edge Lane

Mrs. Kulick reminded everyone that the drive for school supplies and donations is going strong for Mt. Zion Elementary School and that people in the area are continuing to show their incredible generosity. She stated that the kids will be the ultimate beneficiaries in the end.

XIII. Council Member Comments

Mr. Burnaford:

Mr. Burnaford stated that Mr. Charlie Larsen, the victim of a dog attack on the Island, finished the 150 mile bike race in Massachusetts with his son David. This is a race that Mr. Larsen competes in to raise funds for the fight for cancer.

Mayor Wert stated that Mr. Larsen has raised over 21 Million dollars and his donation number is 0001; he was the first to register as a donation rider.

Mr. Orban:

Mr. Orban stated that he attended the Charleston Regional Leaders Forum and talked about shoreline change and methods of renourishment. Most attendees were from OCRM/DHEC or representatives from the beachfront communities such as IOP, Folly, Seabrook, and Kiawah. This was a brainstorming meeting and he has a synopsis of notes if anyone is interested.

Mr. Lipuma:

No comment.

Mr. McHugh:

No comment.

Mayor motioned to take a one minute recess and enter into executive session for personnel matters. Mr. Burnaford seconded the motion. The motion carried unanimously.

XIV. Executive Session-Personnel Matters

No votes or actions were taken during executive session.

XV. Adjournment:

The meeting was adjourned at 3:15pm.

Submitted by,

Catherine C. Wilson, Town Clerk

Approved by,

William G. Wert, Mayor

Date