

**Town Council Meeting
Kiawah Island Municipal Center
Council Chambers
June 2, 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. Approval of Minutes:

A. Town Council Public Hearing, FY 2009-2010 Budget, Minutes of May 5, 2009
Mr. Orban motioned to approve the minutes for the Town Council Public Hearing, FY 2009-2010 Budget. Mr. Lipuma seconded the motion. The motion carried unanimously.

B. Town Council Minutes for May 5, 2009
Mr. Burnaford motioned to approve the minutes of May 5, 2009. Mr. McHugh seconded the motion. Mr. Burnaford made corrections to the minutes. With those changes, the minutes were approved unanimously.

VI. Old Business

A. None

VII. New Business:

A. Dumpster Maintenance Services Contract
Mrs. Rucker stated that the Town has employed Mr. Bernard Glover for dumpster maintenance since 1998 without a contract. The Ways and Means Committee

recommended approval of a contract with Bernard Glover for dumpster maintenance services at an annual rate not to exceed \$10,000. Mrs. Rucker explained that the contract seeks to formalize the relationship between the Town and the contractor while providing protection to both parties.

Mr. Lipuma motioned to award the contract to Bernard Glover for Dumpster Maintenance Services at an annual rate not to exceed \$10,000. Mr. Orban seconded the motion.

Mayor Wert stated that the Town has had a verbal contract with Mr. Glover for a number of years and that in today's litigious society, the relationship should be formalized. The contract will cover items such as Workman's Compensation Insurance and liability insurance. The contract will also have expectations of work.

Mr. Orban stated that the Ways and Means Committee asked for a specific hourly rate to be placed in the contract language. Mrs. Rucker stated that she will work with Mr. Rhoad to insert the specific hourly rate into the contract.

Mr. Orban stated that he would like to amend the motion to include a contract rate of \$10.00 per hour. With that amendment, Mayor Wert called for a vote and the motion passed unanimously.

B. Janitorial Contract

Mrs. Rucker stated that the Town has had a contractual relationship with Perkins Cleaning services for the past ten years. The contract was last renewed in 2005. Mrs. Perkins requested a review of her current contract and a rate increase in March 2009. Staff recommends the approval of the requested service fees not to exceed \$25,000 annually. She explained that the contract would go into effect July 1, 2009 for a period of two years and have a contract price increase clause linked to the Southeastern CPI. The Ways and Means Committee unanimously recommended the approval of the janitorial contract.

Mr. Burnaford motioned to approve the contract agreement with Sharon Perkins for Cleaning Services at an annual rate of \$25,000 beginning July 1, 2009 and expiring June 30, 2011.

Mr. Orban stated that the contract needs a pay rate listed that corresponds with the maximum annual rate of \$25,000. Mrs. Rucker stated that the monthly rate will be \$1,833 per month and the optional services of carpet and upholstery cleaning will be performed only at the request of the Town at a price of \$1,500 each.

The motion carried unanimously.

C. CARTA FY 2009-2010 Budget

Mayor Wert stated that the CARTA budget was supplied for information purposes and noted that Mrs. Rucker is the Chair of the CARTA Finance Committee. Mr. Rhoad

stated that the Town has historically approved the CARTA budget as a matter of record. Mayor Wert clarified that to comply with State laws governing Regional Transportation Authorities, CARTA must submit their budget for approval to each member jurisdiction.

Mr. Burnaford motioned to approve the CARTA FY 2010 Budget. Mr. Orban seconded the motion. The motion carried unanimously.

D. Island Wide Recycling Project Report

Mayor Wert stated that he feels that there has been a number of misinterpretations and misinformation circulating on the recycling initiatives of the Town. The Town took the lead in an island-wide recycling initiative and dated it to begin July 1. He stated that unless there is a date placed on an initiative, it will not get completed. The Resort has had recycling programs in place for years and just recently the Kiawah Island Club has agreed to join the Town's program. He stated that recycling is not mandatory and it will not be forced upon any property owner. The Town is going to try to obtain as much information as possible to allow all the regimes that would like to participate an opportunity to do so. The Mayor stated that the Town is ultimately trying to reduce the overall carbon footprint of the Island. He asked for the regimes to go back to their boards and managers and make a collective decision on recycling participation keeping in mind that there will be a cost associated with the service. The Mayor stated that the fees will depend upon the amount of regimes participating, the size of the canister, and other factors that cause the price to fluctuate. The initiative will go into effect July 1 with the Town welcoming the Kiawah Island Club into the program.

Mrs. Rucker stated that most of the costs are subsidized by the Town and that same subsidy will be passed along to anyone participating in the recycling program.

Mr. Lipuma stated that he was approached by a person that was confused over solid waste and recycling fees. He explained to them that they could continue with curb service which would be of no cost to them and be able to pick up a 65 gallon roll out recycling can if they wished.

Mayor Wert stated that they also have the option of selecting a smaller blue canister which the Town will place wheels on.

Mrs. Rucker stated that homes that do not have storage for the blue bins would benefit from the larger roll out equipped with a lid to keep animals out.

Mr. Lipuma stated that he was surprised to find that some homeowners have more than one container. Mrs. Rucker stated that some people recycle more items and have the need for multiple bins.

Mayor Wert asked how the papers will be separated in a 65 gallon roll out. Mrs. Rucker stated that each canister will have separate compartments for the items.

Mrs. Rucker stated that corrugated cardboard should be placed by the curb after being broken down or brought to the Town Hall or Sora Rail recycling center.

The Town is also working with Suburban Disposal to secure a larger recycling truck that will be able to haul the additional recyclables. Mrs. Rucker noted that Kiawah Island is the leader in the County for the amount of recyclables collected.

Mrs. Rucker is currently working with individual regimes to allow them to determine the most appropriate container for their needs. The Town will provide the regimes with a recommendation and allow them the option to join the Town's recycling program. Currently, four regimes have agreed to begin recycling with the Town. Others have approached the Town and asked for the Town to take over their garbage service along with the recycling.

Mr. Orban stated that the current solid waste ordinance does not force regimes to participate in recycling or yard debris pickup. Mayor Wert read the language of Article 8, Health and Sanitation, and explained that the recycling and yard debris are voluntary.

Mr. McHugh stated that the lesson he has learned during the implementation process is that the Town is saddled with a cumbersome governance structure with KICA providing some services and the Town providing others and some citizens do not seem to have a clear understanding of the intricacies of all of the services. He stated that when the Town offered this new service, a lot of questions arose and it got out of hand quickly. The basic intent of the Town was to provide an option of recycling at no cost. However, it did not come out that way and the Town has learned the appropriate communications with the regimes during the process. Mr. McHugh stated that it is an effort to enhance the service options not an effort to force behavioral direction and the Town will manage it in a way to enhance.

Mayor Wert stated that the Town Council looks forward to hearing a recommendation from the Environmental Committee during the next Town Council meeting regarding the current recycling options.

E. Ordinance Review: Article 8,-Health and Sanitation

Item discussed under New Business, Item D.

F. Ordinance Review: Article 16, Section 502-Restraint of Pets

Mayor Wert stated that there has been a recent increase of dog incidents on the Island. This ordinance requires all pets to be on a leash or under strict voice command when outside of a home. The recent incidents have included dogs attacking bikers and pedestrians. Mayor Wert explained that voice control is being misunderstood and both mental and physical harm has been caused by uncontrolled dogs. The dog incidents have occurred off of the beach and the Council is looking at applying strong penalties for dogs that are not on a leash or under control. Mayor Wert asked the Public Safety Committee

to review this ordinance and recommend to Town Council the best way to protect citizens and guests from out of control animals.

Mr. Burnaford stated that it is quite clear that “all pets within Town limits must be secured by a leash or lead or under the voice control of a responsible person and obedient to that person’s command.” The issue may be the fact that the article is under “Beach Management” and should possibly be moved into a separate section of the Municipal Code.

Mayor Wert stated Council will have a public hearing if in fact the ordinance is changed.

Mr. Burnaford stated that the individual that was injured by the dog attack is biking again and was biking at a different location on the island, just days ago, when the same dog chased him again. He said that obviously people are not learning from these incidents and emphasized that dogs, even friendly dogs, can make people very uncomfortable. Mr. Burnaford stated that his wife is very fearful of dogs no matter how friendly the owner says the dog is. He stated that people need to be sensitive to the concerns of others.

G. Approval of KINCH and KICA Guest Guide ATAX Funding

Mayor Wert stated that the Town budgeted \$28,000 from ATAX funds for the printing of the Guest Guide and Map. The Ways and Means Committee reviewed the draft map and a few members had difficulty reading the maps. The Committee rejected funding in a vote of 3-2. The new larger print guide has been drafted and presented for Town Council review.

Mr. Burnaford motioned to approve the expenditure of \$28,000 from State Accommodations Tax Fund for the printing of the Kiawah Island Guest Guide and Map. Mr. Orban seconded the motion.

Mr. Lipuma commended KICA and the Conservancy for acting as quickly as they did to provide the Council with enlarged maps. He stated that this map was much easier to read. Mr. Lipuma asked if the blurred road names would be corrected before final print. Mrs. Shannon White, KICA, responded they would be fixed prior to final print.

The motion carried unanimously.

VIII. Committee Reports:

Arts Council

The Arts Council 2008-2009 season is coming to an end. The next upcoming event is Blues in the Night which will be held at the River Course on June 14. There are 250 total tickets available and to date, 204 tickets have been sold. The price is \$25 per ticket and covers the cost of the food buffet.

Kiawah Island Parkway and Bike Path Project

Mr. Orban stated that Berkeley Electric (BEC) BEC has begun placing conduit, but not progressing as fast as the Town would like. The Town has requested that BEC speed up the work so the Town may begin with the Parkway Project. BEC is currently working four ten hour days and have promised to work a fifth. However, their promises in the past have not been kept and the Town is constantly working to increase the speed of their progress. The Town plans to start work in June. The bridgework is to start in early July and will be done from a barge in the river. Some materials will have to be delivered from the roadway which may require partial lane closures or road stops. The Town still has not secured a permit from the Army Corps of Engineers although promised it is pending.

The Town is currently reviewing possible landscaping choices for the project. Landscaping will not begin until the fall.

Environmental Committee

Mr. McHugh had no new Environmental Committee report as they do not meet until June 3. He commended Mrs. Rucker on her efforts to expand recycling to all properties on Kiawah. He particularly applauded her work associated with bringing the Kiawah Island Club into the Town's recycling program.

I-526

Mr. Burnaford stated that he and Mr. Roberts continue to attend meetings with various governmental entities and managers to discuss I-526. The Town has been in support of pushing the greenway across Johns Island between 526 and the Stono Bridge to Betsy Kerrison. They have done a lot of work informing people of the five independent studies that show, with or without the 526 extension, traffic is estimated to increase to a level that cannot be supported by the current roadways. Mr. Roberts is behind the idea of a four lane, at grade, road that has a bike path and more of a park setting. This roadway would be a limited access road and not allow many direct driveway cuts. There are currently 11,000 jobs on Kiawah and Seabrook that require travel down the current roads. The four lanes would relieve the impact on Maybank, Main, and Bohicket.

IX. Town Administrator's Report

Mrs. Rucker stated that she has begun participating in the summer meetings with KICA and it other entities on the Island discussing upcoming events and important items that should be discussed with all involved parties. The first meeting brought the request for additional deputy coverage at Night Heron Park during the scheduled summer events. A concern was that those events usually bring an increased number of teens who get into trouble and additional deputy coverage would be helpful. The summer Code Enforcement staff started last Friday and will continue through the fall. The Town is participating with Seabrook again this year to conduct the 12th Annual Disaster Awareness Event at the Sandcastle. Mrs. Rucker encouraged all to attend the event on June 4th, from 10am-3pm. The Town will host another recycling public information meeting from 1pm-3pm on June 17 at the Sandcastle.

X. The Mayor moved without exception to add an Executive Session to the Agenda for Legal Matters.

XI. Mayor's Report

Mayor Wert stated that the Disaster Awareness Day is extremely important to attend and warned against resident's becoming complacent. He stated the law of averages says that Kiawah will be hit with a hard storm and when that time comes, he wants residents to be aware of the best ways to defend themselves and their property against the effects of a storm.

Mayor Wert announced that Mr. Juan Martin, Code Enforcement Officer, will become a first time parent in December of 2009. The Mayor congratulated Mr. Martin.

XII. Citizen's Comments/Questions:

A. Wendy Kulick, 38 Marsh Edge Lane

Mrs. Kulick stated that she attended the Ways and Means Committee Meeting and found it very informative. She had the following suggestions/questions:

1. Mrs. Kulick asked Mr. Orban if BEC is running six conduits rather than nine.
2. Mrs. Kulick asked Mr. Burnaford if anyone has sat down with Arthur Ravenel to discuss the roadway plans for Johns Island.
3. Mrs. Kulick stated that she has been to all of the previous Disaster Awareness Days and is constantly impressed how the Town can take the same information and package it in a way that is interesting and informative. She encouraged everyone to attend the event.

B. Betty Drozeski, Board President of Tennis Villas

Mrs. Drozeski stated that she has met with both Rusty Lameo and Mrs. Rucker to discuss plans to expand recycling into her villas. She represents the largest regime with 140 owners and would like to delay participation in the Town's recycling program to allow time for discussion and to witness how the program works with smaller regimes. She requested that recycling information be made available to all owners so they can share drop-off sites with their renters and guests.

C. Marilyn Olson, 4895 Greendolphin Way

Mrs. Olson stated that she was a Kiawah dog bite victim several years ago. Today she feels that there are more dogs brought to the Island by visitors than in the past. She remembers when only owners were allowed to have dogs on the Island and requested that the Town work with the rental groups to ensure that all guests are aware of the dog restrictions on the Island.

D. Bob Cheatham, Inlet Cove 96, and 116 East Shepherd Lane, Summerville, SC

Mr. Cheatham stated that when he heard about the recycling expansion, he was very excited. He had the following questions:

1. Why is it taking so long to initiate the recycling program?

2. Is participation mandatory?
3. What will the cost be to individual cottage owners at Inlet Cove?

E. Barbara Winslow

Mrs. Winslow stated that she is a proud owner of a large intimidating dog and that Charleston County has a county-wide ordinance that requires all dogs to be on the leash at all times when out of the home. She recommended that the Town ask Deputies to help enforce the leash law on Kiawah.

F. Benny Merrell, 4956 Turtle Point

Mr. Merrell stated that he attended the public information meeting and felt that it was very beneficial to have the open dialogue that helped clear up misunderstandings. He stated that during the meeting it was decided that participation would not be mandatory and that there will be information shortly that he will be able to take back to the boards so they may make a collective decision. He stated that he is interested in taking this information back to his board as soon as possible. He is from Charlotte and has been recycling a long time and wants to make sure that his board supports the Town's efforts. He explained that he came to the meeting with the expectation that he would receive a lot of detail and unfortunately he did not receive the information he was looking for.

G. Ron Ritchie, 157 Governors Drive

Mr. Ritchie stated that he is a member of the Kiawah-Seabrook Exchange Club and wanted to make Council aware of the fact that during the Memorial Day flag display, five flags were stolen. He asked Council to inform the Deputies so they may closely monitor future flag displays.

H. Dick Scofield, 4202 Mariners Watch

Mr. Scofield stated that he is the President of the Board of Directors for Mariners Watch and thanked the Town for their efforts and time on recycling. He stated that Mariners Watch is in favor of open communication and they request that the information be consistent from meeting to meeting. He had the following questions:

1. Mr. Scofield asked if Mr. Lipuma stated that single family residences that place trash at the curb pay nothing? If so, that is different than what he was told at the meeting.
2. Mr. Scofield stated that the Mayor said recycling will have a cost and that is different than what he was told at the meeting.
3. Mr. Scofield stated that recycling is only a portion of the total waste management process and when KICA sent out the email defining Section 8, he decided to do more research. He discovered that under mandatory participation it talks about a solid waste disposal system and he thinks it is garbage, recyclables, and yard debris. It excludes toxic waste. He does not understand how regimes are excluded from participating in the entire solid waste system and recommends that the Town allow regimes to have free garbage pickup.

XIII. Council Members Comments

Mr. Lipuma

Mr. Lipuma suggested that Article 8-105 should be amended to read “each dwelling unit, owner and regime, and each fee simple association shall participate in solid waste disposal system provided however that regimes *may* not participate in the collection of yard debris.” It currently reads “will not.”

He stated that the KICA Guest Guide has information on pet restraint on the back.

Mr. Burnaford

Mr. Burnaford stated that the Town has not received a response from OCRM regarding beachfront setback lines. They had 30 days from the last hearing to respond and none has been received. OCRM will notify the Town when they have finished their further investigations and the Town will notify property owners once a response has been received.

Mr. McHugh

No Comment.

Mr. Orban

Mr. Orban stated that in response to Mrs. Kulick’s question, during the last meeting with BEC, it was discussed that they are running nine conduits from the Roundabout to Cassique and only six conduits past Cassique. This information is different that what the Town was told last summer.

Mayor Wert

Mayor Wert stated that it is incredible to believe vandals would steal American flags that were placed to honor our Country’s fallen soldiers.

He commented that Article 8, Chapter 1 was written when the Town went into existence and that since then, many changes have taken place. Property owners were once responsible for obtaining their own solid waste contractor and the Town has tried to take over as much as possible to make it more efficient for all residents. The Town also decided four years ago to underwrite the entire cost for curbside service and the only fees that are currently charged are for Saturday and Backdoor service. The Town wants to extend the service to all units on the Island and there will be a minimal cost. The recycling is a work in progress and the Town looks forward to open communication with all involved in the future.

XIV. Mayor Wert Reopened Citizen Comments

A. Wendy Kulick, 38 Marsh Edge Lane

Mrs. Kulick asked Mr. Orban if anyone is concerned with BEC providing only six conduits instead of the original nine.

Mr. Orban stated that the plan will handle the current population and provide room for future growth.

Mayor Wert stated that currently, Cassique is fed by bare wires into the ground and there is a need to cover the wires.

XV. Executive Session-Legal-Contractual Matters

Mayor Wert called a five minute recess before entering into executive session at 3:12pm.

No votes or actions were taken during executive session.

XVI. Adjournment:

Mayor Wert motioned to enter into open session at 4:55pm. Mr. Lipuma seconded the motion. The motion carried unanimously.

Mr. Lipuma motioned to adjourn the meeting at 4:56 pm. Mr. Orban seconded the motion. The motion carried unanimously.

Submitted by,

Catherine C. Wilson, Town Clerk

Approved by,

William G. Wert, Mayor

Date