

**TOWN COUNCIL MEETING  
KIAWAH ISLAND MUNICIPAL CENTER  
COUNCIL CHAMBERS  
November 3, 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. Ordinance 2009-9 Public Hearing Minutes for October 6, 2009**  
Mr. Lipuma motioned to approve the Ordinance 2009-9 Public Hearing minutes of October 6, 2009. Mr. Orban seconded the motion. The motion carried unanimously.
- B. Town Council Meeting Minutes for October 6, 2009**  
Mr. Burnaford motioned to approve the Town Council minutes of October 6, 2009. Mr. Lipuma seconded the motion. The motion carried unanimously.
- VI. Old Business:**  
**A. Second Reading, Ordinance 2009-10, Amendments to Article 8, Health and Sanitation**  
Mayor Wert stated that a public hearing was held at 1:30pm where public comment was received. Mayor Wert stated that most comments were based on implementation aspects of the program. He stated that there were also comments of approval for Councilman McHugh's inclusiveness in the overall work that he has done.

**Mr. Lipuma motioned to approve the second reading of Ordinance 2009-10. Mr. Orban seconded the motion. The motion carried unanimously.**

Mr. McHugh stated that the Town has gone back and forth on the ordinance language for the past three to four months and that this version of the ordinance incorporates a concept that allows the Town to move forward and focus on the trash collection needs of various homeowner groups. Mr. McHugh stated that now the specific implementation details for the program will be compiled. Mr. McHugh stated that the Town will double their public awareness efforts based on citizen's comments.

**Mayor Wert called for a vote on the motion, the motion carried unanimously.**

**VII. New Business:**

**A. Arts Council Service Award**

Mr. Lipuma stated that Mrs. Carol Ann Smalley has been a charter member of the Arts Council and has served since the beginning of the committee in 2004. She will resign at year-end and will spend more time with her grandkids and other volunteer activities. Mr. Lipuma stated that Mrs. Smalley has been both creative and hardworking while on the Arts Council. Her area of "excellence" is in Classical Music. Mrs. Smalley was responsible for finding and staging Fred Moyer, a classical concert pianist, arranging the Barcino Baroque Event and arranging or assisting with other chamber music performances. Mr. Lipuma stated that her contributions will be greatly missed and that she and her husband, Bryan, will always find tickets available for them at future Arts Council events.

Mr. Lipuma and Mayor Wert presented a plaque to Mrs. Smalley for her "creative contribution and five years of dedicated service" to the Kiawah Island Arts Council.

Mrs. Smalley thanked the Kiawah Island Town Council for their support and funding. She stated that previously she has never worked with any Arts Committee that was so generously supported. She stated that not having to struggle with finances allows much more attention to creativity and programming. She recommended Mr. Lipuma's continued position as Chair of the Arts Council and stated that, "he is a great chair to the committee."

Mayor Wert stated that Mrs. Smalley epitomizes a volunteer and what volunteering means on Kiawah

**B. Appointment for St. Johns Fire District Commission**

**Mayor Wert motioned to approve Mr. Thomas Kulick as Kiawah's representative on the St. Johns Fire District Commission. Mr. Lipuma seconded the motion.**

Mayor Wert noted that Mr. Kulick has been on the Fire District Commission since 2001 and chaired the Commission in 2004, 2005, and 2007. Mayor Wert thanked Mr. Kulick for all the work he does for the Commission.

**The motion carried unanimously.**

**C. Appointment to the Board of Zoning Appeals**

Mayor Wert stated that Mr. Lou Anderson has resigned from the BZA and will be moving from Kiawah. Mr. Ron Ritchie, BZA Chair, recommended Mr. Ben Farabee to fill the unexpired term of Mr. Lou Anderson.

**Mayor Wert motioned to appoint Mr. Farabee to fill the remaining term of Mr. Anderson to expire in 2012. Mr. Orban seconded the motion.**

Mayor Wert stated Mr. Farabee has lived on Kiawah permanently since 2003. He was chair of KICA's Human Resources Committee and treasurer of the KICA Board. He worked professionally with Ford Motor Company in their Human Resources Department. He has also volunteered with Sea Island Habitat for the past four years. Mayor Wert stated that Mr. Farabee has been highly recommended by everyone that he spoke with.

**Mayor Wert called for a vote on the motion and the motion carried unanimously.**

**D. Consulting Agreement Amendment for Thomas and Hutton**

Mr. Orban stated that Thomas and Hutton has requested an increase in their budget for engineering work associated with the Kiawah Island Parkway project. Mr. Orban insisted that the Town have a full-time representative on site at the Parkway and this led to additional hours worked not originally included in the original contract. Mr. Orban stated that contract amendment is below the \$50,000 approval level and that this item does not require Council approval. He stated that this change will add \$44,000 for Construction Supervision and he has signed the approval based on his approval authority with items below \$50,000.

**E. Change Orders**

Mr. Orban stated that the Town has received a total ten change orders and the total project cost to date is approximately \$1.5 million and that remains well below the original construction budget of \$2.5 Million.

Mr. Orban stated that Change Orders nine and ten are over \$50,000 and need Town Council approval. These changes will add new guardrails on the bridge for around \$53,000 and guardrails at Mingo Point and Little Rabbit for approximately \$56,500.

**Mr. Orban motioned to approve change orders nine and ten. Mr. Burnaford seconded the motion. The motion carried unanimously.**

**F. Contract Amendment for Fennel Container**

Mrs. Rucker stated that the Ways and Means Committee was presented with the amendment last Tuesday and recommended approval. This amendment provides the provision to pick up garbage at regime locations and extends the contract through 2012.

**Mr. Burnaford motioned to approve the contract amendment. Mr. Orban seconded the motion.**

Mr. McHugh asked if the Town could be ahead of themselves based on comments from the Public Hearing. Mrs. Rucker stated that the costs shown on Exhibit "A" are the exact costs that are currently under contract for the individual regimes. She explained that the Town is assuming exact costs. She stated that this will lock those rates in through June of 2012.

Mr. Orban stated that this is based on the size of container and the same pickup the regimes currently have.

**Mayor Wert called for a vote and the motion carried unanimously.**

**VIII. Committee Reports:**

**Arts Council**

Mr. Lipuma stated that the pantomime and Duda Lucina events were very well attended and the pantomime event was outstanding. Mr. Lipuma stated that a fourth night has been added to the piano bar series at the Sandcastle. Rick Reinhardt completed a painting demonstration and the painting will be sold via silent auction. Proceeds will benefit arts programs in local high schools. Upcoming events include the CSO's Concert on the Green on November 7 and Thursday, November 12, The Tragedian.

**Parkway Project**

Mr. Orban stated that the Parkway project is in the paving mode and paving will take place at night between the hours of 7pm and 7am. Paving should be finished by November 7. A landscaper is under contract and will probably begin work on November 16. Handrails are being installed at Mingo Point and the bridge. The landscaping will take a few months and include a lot of activity. The sod will not go into place until spring of 2010. Mr. Orban asked that everyone drive with precaution, as the workers will be present at night.

Mr. Lipuma asked when the bicycle path will be ready for use. Mr. Orban stated that he hopes it will be open around Christmas time. The landscaper is under a 45-day contract and should finish around the end of December. He asked that everyone please continue to be patient.

### **Public Safety**

Mr. Orban stated that things are fairly calm on the Island. Mr. Orban stated that Captain Brady, Charleston County Sheriff's Office, stated that he drives around at night he sees a lot of mailboxes open with mail in them and he warned that it could become an issue of theft. Mr. Orban stated that if leaving for more than three days please stop the mail or have someone pick it up for you.

Rumble strips, like the ones on Bohicket and Main road, will be used for striping on the Parkway. In June of 2010, St. Johns Fire Department will join the countywide 911 center and all calls are dispatched from one location. This should result in a response time reduction of up to five minutes.

Mr. Lameo and Mr. Martin will begin replacing and updating signage on the beach. Things on the beach are quite and the new beach patrol contract is in effect.

Mayor Wert stated that it is encouraging to see the work and progress on the Parkway and thanked Mr. Orban for his work.

### **Environmental Committee**

Mr. McHugh stated that in the time he has worked with the Environmental Committee, he has been extremely impressed with the environmental expertise of our Community. He specifically stated Norm Shea, KICA, Dave Achey, KICA, Jim Jordan, TOKI, Aaron Given, TOKI, and Liz King, KIGR. He stated that he has been most impressed with KIGR's receipt of multiple sustainability and "green" awards. He stated that the example the Resort provides is a great example and makes it easier to focus on the environment. The Resort received two additional awards, one, a Palmetto Certification and the other the Best Large Business from the SC Hospitality Association.

### **Cross Island Greenway**

Mr. Burnaford stated that the greenway continues to "perk along" and that currently, he is waiting to see when the LPA Group will begin to evaluate the study. The evaluation will not be finished before the 2009 holidays but he expects completion in early 2010. Seabrook Island will have a new Mayor as of November 4, and Mr. Roberts and Mr. Burnaford will meet with them to discuss the greenway issues. He stated that he does not think that the greenway will be completed before the 2012 PGA event. He reminded all that it is a long process and the LPA study will provide facts to make an informed decision.

Mayor Wert stated that it took six years to get the permitting for the Town's bike path and the greenway is a much larger project.

**IX. Town Administrator's Report**

Mrs. Rucker stated that she continues to meet weekly with the Parkway group and Mr. Orban and Mr. Lipuma should be commended on their hard work.

The Town has implemented recycling in all areas except for onsite collection with the regimes. Holiday decorations will begin going up the first of December and she thanked the ARB and the Community Association for their cooperation in meeting with the Town within the past few weeks.

The Town will be completing a landscape project at the bridge on Beachwalker Drive. This project is part of the 2009 Grant Award from Palmetto Pride. The Town has already completed a beautification grant proposal for 2010 to add to the newly completed Parkway.

The Town continues to work with the solid waste and recycling programs. Recycling has been implemented in all areas with the exception of onsite collection at the regimes. The Town will focus in on the implementation within the next few weeks.

The Town received a \$250,000 reimbursement from the County for Parkway construction expenses and notification that they are also eligible for an additional \$50,000. The Town will submit a request for disbursement as soon as possible. Mr. Lipuma asked if the remaining funds available for disbursement are \$50,000 after the Town's \$250,000 "donation" for the greenway study. Mrs. Rucker responded that \$50,000 is the remaining balance.

**X. Mayor's Report**

Mayor Wert thanked Mrs. Rucker for submitting the grant requests. He stated that the Town has received almost \$500,000 over the past few years. There was an oil spill off the coast of Sullivan's Island and the Town had appearance of oil on the beach. The Coast Guard along with DHEC took control of the situation and subcontracted a group to clean the beach. Mayor Wert stated that the beach is very clean and pristine after the cleaning.

The 35MPH speed will remain on the Parkway after construction is complete. The bike path will not be opened until it is safe and complete. Deputies were placed at the entrances to stop bicyclist and pedestrians from using the path during construction.

Mayor Wert gave a public thanks to the Community Association for delaying the paving of Governors Drive to help in the coordination of paving schedules. KICA postponed their paving until Saturday night to allow the Town contractor time to complete the Parkway.

Mayor Wert stated that the recycling and solid waste ordinance really shows what can be done when everyone works together. He stated that there was a lot of

confusion in the beginning but everyone worked together and developed the ordinance. He thanked Mr. McHugh and stated that most are happy with the ordinance and stated that a committee will now work on implementation.

**XI. Citizens' Comments**

**A. Tom Kulick, 38 Marsh Edge Lane**

Mr. Kulick thanked the Mayor and Town Council for their vote on his Fire District Commission reappointment. He stated that County Council will make a recommendation to the Governor. He stated that he is very proud to represent Kiawah and very proud of the firefighters that do a great job everyday to protect the people on the Island.

Mayor Wert stated that Mr. Kulick does a great job and deserves reappointment.

**XII. Council Comments**

**Mr. Burnaford**

Mr. Burnaford thanked Mr. Warren and the Resort for allowing the paving company to park on Resort property and fields.

**Mr. Orban**

Mr. Orban stated that Mrs. King was at the last Public Safety meeting to discuss the KIGR marathon. Mrs. King has been working with KICA and a good plan to mitigate heavy traffic has been established. Mr. Orban stated that the Committee all agreed upon the details of the traffic mitigation plan.

**Mr. Lipuma**

The Ocean Course beach parking has bollards for direction from the lot and that the directional signs look very nice. KDP has received approval for 340ft of sheet piling at Captain Sams. He stated that the permit approval notice requires that if future erosion exposes the sheet piling, OCRM must be notified. He stated that the County has published notice of the Planned Development District on Mullet Hall and that there are homes, condos, and shops planned. He stated that this will have a major impact on the Johns Island roads. The new beach patrol contractor IBS, has transitioned seamlessly and things are going nicely on the beach.

**XIII. Executive Session-Legal and Personnel Matters:**

Mr. Burnaford motioned for a three-minute recess before entering into executive session. Mr. McHugh seconded the motion. The motion carried unanimously.

**No votes or actions were taken during Executive Session.**

**XIV. Open Session:**

**Mayor Wert reconvened open session at 4:02pm.**

**Mayor Wert motioned to communicate to Mr. Goodwin along the lines of what was discussed in executive session. Mr. Burnaford seconded the motion. The motion carried with a vote of 4-1. Mr. Orban voted no.**

**XV. Adjournment:**

**Mr. Burnaford motion to adjourn the meeting at 4:03pm. Mr. McHugh seconded the motion. The motion carried unanimously.**

**Submitted by,**

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**Catherine Wilson, Town Clerk**

**Approved by,**

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**William G. Wert, Mayor**

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**Date**