

**TOWN COUNCIL MEETING
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
OCTOBER 6, 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
Sallie Rhoad, Town Attorney
Catherine Wilson, Town Clerk
- V. Agenda Amendments:**
Mayor Wert motioned without objection to amend the agenda to add the following items: Item VI, Proclamation and New Business, Item G, Planning Commission Appointment.
- IV. Proclamation:**
Mayor Wert stated that in 1990 President George Bush designated the month of November as American Indian Heritage Month. The American Indians Committee of the Local Daughters of the American Revolution requested that the Town of Kiawah proclaim the month of November as the American Indian Heritage Month. Mayor Wert noted that the Kiawah Indians were the first settlers of the Island. Mayor Wert proclaimed November as American Indian Heritage Month and presented a plaque to Mrs. Brenda Larson, President of the Local Chapter of the Daughters of the American Revolution.
- V. Approval of Minutes:**
A. Public Hearing for Ordinance 2009-6
Mr. Lipuma motioned to approve the minutes of the September 1, 2009, Ordinance 2009-6 Public Hearing. Mr. Orban seconded the motion. The motion carried unanimously.

B. Public Hearing for Ordinance 2009-8

Mr. Lipuma motioned to approve the minutes of the September 1, 2009 Ordinance 2009-8 Public Hearing. Mr. Burnaford seconded the motion. The motion carried unanimously.

C. Town Council Minutes for September 1, 2009

Mr. Burnaford motioned to approve the minutes of the September 1, 2009 Town Council Meeting. Mr. Lipuma seconded the motion. Mr. Lipuma changed the word “most” to “many” on page 2. With that change, the minutes were approved unanimously.

VII. Old Business:

A. Second Reading-Ordinance 2009-9- Amendments to FY 2009-2010 Budget

Mayor Wert stated that there were no public comments during the Public Hearing held at 1:55pm just before the Town Council meeting.

Mr. Lipuma motioned to approve the second reading of Ordinance 2009-9. Mr. Burnaford seconded the motion. The motion carried unanimously.

B. Second Reading-Ordinance 2009-7-Amendments to Article 8, Health and Sanitation

Mayor Wert stated that this ordinance was tabled during the August Town Council meeting and that the ordinance must receive a second reading for administrative purposes. He explained that the new draft of the solid waste ordinance will receive first reading during new business.

Mr. Burnaford motioned to approve the second reading of Ordinance 2009-7. Mr. McHugh seconded the motion. The ordinance failed unanimously.

VIII. New Business:

A. First Reading-Ordinance 2009-10-Amendments to Article 8, Health and Sanitation

Mr. McHugh motioned to approve the first reading of Ordinance 2009-10. Mr. Burnaford seconded the motion.

Mr. McHugh stated that this ordinance is only a two word change from the current ordinance and that previously HOA's and regimes were exempt from recycling. This ordinance will allow participation for regimes and HOA's on the Island. He stated that the Town hopes to retain consistency between the Town's current subsidy for solid waste and recycling and to provide an environment where recycling will be more readily available to all property owners. Mr. McHugh stated that the Town has established a three-part program that will allow for the expansion of recycling throughout the Island and has tried to deal with available space, high rental rates, and other factors that influence participation for

regimes. A regime can elect to use a centralized collection container on their premises or use the current public locations that are located on Sora Rail Road and at Town Hall, and where feasible, the use of Town provided recycling containers at each dwelling unit. Essentially the Town's three part program provides a subsidy for the collection of solid waste and recycling and is flexible enough to meet the needs of the regimes. The Town will participate in a public relations program.

Mr. McHugh stated that the goal today is to present the ordinance for a First Reading and that a Public Hearing will take place before the second reading where homeowners can make comments on the proposed changes.

Mr. Orban asked how many regimes do not have centralized recycling containers. Mrs. Rucker stated that there are only six that will take a centralized dumpster and the remaining regimes are considering their container options. Those remaining are using the public sites on Sora Rail and at Town Hall. Mr. Orban stated that part of the program is that the regimes would be a strong participant in the recycling program and he feels that a subsidy should only be given to participants in the program. Mr. McHugh stated that it was his understanding that the subsidy was related to participation in solid waste disposal and no attempt was made to link the subsidy program with recycling.

Mayor Wert stated that the original process began with the Town attempting to increase the amount of recycling and while the Town has not gotten 100% participation, they have gotten part of the way there. He stated that this ordinance is a compromise. He stated that Mr. McHugh and the regime boards and owners have done a lot of work.

Mr. Burnaford stated that as a homeowner he is not required to recycle to receive the subsidy and that it will not be a requirement for others.

Mr. Orban stated that it is his opinion that a centralized bin on the regime property would make it easier for people to recycle.

Mr. Lipuma stated that parking is limited in several regimes and that is why they do not want to place a bin in the lot.

Mr. McHugh stated that a lot of the regimes are very hesitant to participate without first seeing how the program works in other locations. He stated that based on his meetings he thinks there was a "good will test" of what can be done and those that are participating think they can do it and those that are not see hurdles. He stated that the ordinance, if still on track with meeting the needs of the community, will receive a second reading in November for implementation to take place prior to January 1, 2010.

After discussion, Mayor Wert called for a vote on the motion. The motion carried unanimously.

Mayor Wert stated that the Public Hearing for this Ordinance will take place on November 3, at 1:30pm.

B. Presentation of Audit-Ken Gunnells, Treasurer

Mr. Gunnells stated that the Town received the audit report from Webster-Rogers and received an unqualified report. The audit letter reveals that there were no problems with the Town's financial statements. The Town did as well as they have done in the past and the information will be posted on the website for the public.

Mayor Wert thanked Mr. Gunnells and stated that the audit is a positive reflection of the work that Mr. Gunnells has done to continue the work that Mrs. Rucker began when she first began work with the Town.

C. GFOA-Awards of Excellence

Mrs. Rucker stated that the Town has been fortunate over the past five years to receive the award of Excellence in Financial Reporting from the Government Finance Officers of America and Canada. There are 3,500 recipients of the award and it is highly uncommon for municipalities the size of Kiawah Island to participate and receive the award. The Town also participates in the Popular Annual Report program which is a condensed, easier to read version of the financial statements. Mrs. Rucker stated that it is her pleasure to present to the Finance Department and Mr. Gunnells the awards for FY ending June 2008.

She also stated that the Town is currently working to submit statements for FY ending June 2009 for the award.

D. Award of the Kiawah Island Parkway Landscaping Contract

Mr. Burnaford motioned to approve the landscaping contract to The Greenery for a price not to exceed \$550,000. Mr. Lipuma seconded the motion.

Mr. Orban stated that the following bids were received and reviewed by the Ways and Means Committee: The Greenery with a bid of \$509,568.52; Three Oaks with a bid of \$611,385.50; and, Sustainable Resource Group with a bid of \$689,893.22.

Mr. Orban stated that the Ways and Means Committee recommended that Council approve an amount not to exceed \$550,000 to allow for any changes that may take place.

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

E. Parkway Project Change Orders

Mr. Orban stated that one of the biggest, or most costly, issues is a storm line drain that runs from the Freshfields' entrance to Brick Creek. This is a 36 year-old 24" pipe that is 1,300' long. The drain was videoed and found to be deteriorated and in need of replacing. This pipe will be replaced with concrete pipe once price has been provided and approved. Mr. Orban stated that Gulfstream provided a quote but that he would like to bid this as a separate job if the quotes do not seem reasonable. He stated that the current estimates are around \$200,000 for this project.

Mr. Orban also stated that the plan for landscape irrigation is to open cut the Parkway and install 8" casing pipe in four locations. He stated that the rough cost estimate is around \$72,000 for this project.

Mr. Orban stated that he needs Council's authorization to begin both of those projects because they exceed his \$50,000 approval authority.

Mayor Wert stated that this is to authorize the Town to negotiate a contract to provide these services. Mr. Orban stated that the Ways and Means Committee recommended the approval of both change orders.

Mr. Lipuma stated that the existing line will be left in place and it may settle at some point in the future but it has been in place for 34 years. One option would be to fill it with cement but that would have been much more costly.

Mr. McHugh stated that it is important to note that the price projections are still very much lower than originally estimates and the totals are near \$2 million less than the original estimate.

Mr. Lipuma stated that it is also important to note that the storm drain line issue is completely out of the scope of the project specifications.

After discussion, Mayor Wert called for a vote to authorize Mr. Orban to negotiate contracts for the storm water drain and open cut projects for a price not to exceed \$275,000. The approval passed unanimously.

F. Beach Patrol Contract

Mayor Wert stated that the Town awarded the beach patrol contract in 2008 to A-Services Group and their contract was set to expire January 31, 2011. However A-Services Group has not performed properly, or to contract, even after several meetings and discussions with upper management. The Town terminated the contract with A-Services Group and they will no longer work for the Town as of October 23, 2009. The Town was provided proposals by Island Beach Services and the Charleston County Deputies for beach patrol services.

Mayor Wert stated that it was reviewed and recommended by the Ways and Means Committee to award the contract to Island Beach Services for a three year contract at an annual rate of \$218,306 to begin on October 23, 2009. This contract will have the same 30-day termination clause as normally included in Town contracts.

Mr. Lipuma motioned to approve the award of the Beach Patrol contract to Island Beach Services. Mr. Orban seconded the motion. The motion carried unanimously.

G. Planning Commission Appointment

Mayor Wert stated that this is to approve the recommendation from Fred Peterson, Planning Commission Chair, to appoint Mr. Edward Dittmeier to fill the unexpired term of Joyce Neuman. This term will expire in 2012.

Mr. Burnaford motioned to appoint Mr. Edward Dittmeier to the Kiawah Island Planning Commission. Mr. Orban seconded the motion. The motion carried unanimously.

IX. Committee Reports:

Arts Council

Mr. Lipuma stated that the season got off to a great start with Fredrick Moyer event. The event had over 200 attendees and the audience was very pleased with the performance. Mr. Lipuma stated that they were very pleased to get Mr. Moyer so early in the season. The Arts Council will host a series of three piano bar events at the Sandcastle beginning Wednesday, October 7. No tickets are required for the piano bar events. On October 8, Duda Lucina will perform at Turtle Beach.

Kiawah Island Parkway and Bike Path Project

Mr. Orban stated that the bike path is not open and probably will not open for public use until later in the fall. The landscaping has to be completed and handrails must be placed along the path before it is safe and open for use.

Mr. Orban stated that pedestrians and bikers need to stay off of the bike path until the project is finished. Trucks and equipment will be on the path during the landscaping phase of the project.

Solid Waste

Mr. McHugh stated that the process of getting the solid waste program implemented is very time consuming and requires hard work. He stated that he would be remiss if he did not note Mrs. Rucker's and Mr. Lameo's work on this project.

Environmental

Mr. McHugh stated that Mr. Jim Jordan will host a group of school students that will come out and work with him on different environmental projects.

Johns Island Roads

Mr. Burnaford stated that the Greenway has not been approved but that the County Council has taken an additional step to add more facts by approving the study. This study will add the layout and construction concepts along with costs. He stated that this will allow people to make decisions based on facts and not emotion. He hopes this study will be completed before the Christmas holidays. Mr. Burnaford stated that the one thing that people may have missed is Vic Rawl, County Council, asked that the study also include the possible widening of Main and Bohicket Roads. The Greenway is a park setting, 300' wide with a pedestrian and equestrian path. The Greenway will have limited access and allow speed to be maintained at a reasonable level. He stated that a roundabout concept is being considered at Plow Ground and Edenville roads. This greenway will help increase the safety of all Johns Island roads.

Mr. Burnaford stated that October can still be an active month for hurricanes and warned attendees not to let their guard down.

X. Town Administrator's Report

The Town completed their Community Rating System (CRS) review on September 21, 2009 and it appears that the Town will be able to take advantage of points that will positively affect property owners' insurance rates. Mrs. Rucker stated that Mr. Norm Shea and Mr. Jim Jordan were very beneficial in preparing this review. The Town was awarded 38 trees in the Palmetto Pride Grant. Mrs. Rucker thanked Mr. McHugh and homeowners for their patience and participation in the recycling effort.

XI. Mayor's Report

The Kiawah Island Club is hosting the Mid Am Golf Tournament and the winner usually gets invited to play in the Masters. Over 4,000 regional competitors attempted to qualify. Mayor Wert stated that it is a very prestigious golf tournament for amateurs. There will be a CARTA Public Meeting on Thursday October 8, 2009 for the North Charleston Regional Intermodal Center at the North Charleston City Hall. This center will serve as a regional transportation hub for Amtrak, local and regional bus services, and other transportation options. Mayor Wert stated that "kudos" are due to Steve Orban for his work on the bike path project.

XII. Citizen's Comments

A. Wendy Kulick, 38 Marsh Edge Lane,

Mrs. Kulick stated that the 2005 Development Agreement, Article 16 Section F, last paragraph states that, "The Town has requested that the property owner consider the possibility of establishing a temporary site on the Kiawah River for

KICA members to launch kayaks and canoes before further development of Captain Sam's Spit. Property owner agrees to study the issue and consider the request in good faith." She asked if the Town had heard anything back from KRA on whether or not they had completed a study.

B. Ron Ritchie, 157 Governor's Drive

Mr. Ritchie wanted to remind that KPOG is sponsoring an information session at Turtle Point. This session will include speakers such as Paul Thurmond, Leon Stavrinakis, and Paula Benekas. Benekas will discuss Senate Bill 30 that will have a negative impact on Kiawah citizens if passed.

C. Marilyn Olson, 4986 Green Dolphin Way

Mrs. Olson stated that she would like to thank the Town for including the regimes in the recycling process and stated that they encourage the Town to initiate a wide spread public information phase.

VIII. Council Comments:

Mr. Burnaford

Mr. Burnaford asked if the Mayor has heard anything on the proposed revision of the OCRM setback lines. Mayor Wert stated that the Town has attempted to obtain further information by calling OCRM but that no additional response has been received.

Mr. Orban

Mr. Orban stated that the dead trees on Bohicket Road seem to be a safety issue and are endangering drivers along the roadway. He asked Mrs. Rucker to contact the County to see if they will prune along the roadway. Mayor Wert stated that he has a meeting with Councilman Thurmond today and he will discuss the issue with him. Mayor Wert also stated that at the last County Council meeting a woman testified that a tree limb crashed onto her car on Bohicket Road while she was driving.

Mr. Lipuma,

Mr. Lipuma stated that a junior tennis tournament is taking place this weekend and there are some very talented young players that participate.

He stated that regarding the Parkway Project, he hopes the Town will go to the County and ask them to reimburse the Town for Parkway expenses as soon as possible. Mrs. Rucker stated that the Town has requested the funds from the County and are awaiting receipt.

XIV. Adjournment:

Mr. Burnaford motioned to adjourn the meeting at 2:57pm. Mr. Orban seconded the motion. The motion carried unanimously.

Submitted by,

Catherine Wilson, Town Clerk

Approved by,

William G. Wert, Mayor

Date