

**TOWN COUNCIL MEETING  
KIAWAH ISLAND MUNICIPAL CENTER  
COUNCIL CHAMBERS  
October 7, 2008, 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  
Charles R. Lipuma  
G. Steven Orban

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

**V. Approval of Minutes:**

**A. Town Council Meeting: September 9, 2008**

**Mr. Orban motioned to approve the September 9, 2008 minutes; Mr. Burnaford seconded the motion. Mr. Orban, Mr. Burnaford and Mr. Lipuma made non-substantive changes to the minutes. With those changes the minutes were approved as submitted.**

**B. Special Town Council Meeting Minutes of August 27, 2008**

**Mr. Burnaford motioned to approved the August 27, 2008. Mr. Orban seconded the motion. Mr. Burnaford added “No votes or actions were taken” to item IV, Executive Session. With those corrections, the minutes were approved unanimously.**

### **C. Special Town Council Meeting Minutes of September 22, 2008**

**Mr. Burnaford motion to approve the minutes of September 22, 2008. Mr. Lipuma seconded the motion. The motion was approved unanimously.**

### **VII. Citizens Presentation:**

#### **A. Beach Patrol Employee Appreciation**

Mr. Tommy Vickers, A-Services Group, presented Mr. Jay Van Gordan, Captain Kiawah Island Beach Patrol, with a plaque in recognition for his dedication and hard work during the beach season. Mr. Van Gordan worked 60-75 hours most weeks and assisted numerous beachgoers with both simple directions and emergency services. Mr. Vickers also presented Mr. Van Gordan with A-Services Group's "Golden Whistle" award for distinguished service. Mayor Wert stated that the Town had received numerous letters of commendation for Mr. Van Gordan's service.

### **VIII. Old Business:**

#### **A. Offsite Record Storage Proposal**

Mrs. Rucker stated that the Town submitted a request to the Ways and Means Committee after during the September and October meetings requesting the approval for the expenditure of funds related to securing an offsite storage facility for the Town's permanent records. The Ways and Means Committee unanimously recommended the approval of this item. Mayor Wert stated that the Town is required by state law to keep all permanent paper records.

**Mr. Orban motioned to approve up to \$3500 from contingency for offsite storage of permanent Town records as quoted by Iron Mountain, Inc. Mr. Burnaford seconded the motion. The motion carried unanimously.**

#### **B. Discussion of Kiawah Island Parkway and Bikepath Project**

Mr. Orban explained that the LPA Group had completed design services for the services for mitigation land to be submitted to the Corps of Engineers and OCRM. The designs will be submitted to KDP/Charlie Arrington for approval before being submitted to federal and state permitting agencies.

### **IX. New Business:**

#### **A. Planning Commission Appointment**

Mayor Wert announced that Mr. Joe Colvin submitted a letter of resignation as the Planning Committee Chair effective October 3, 2008. Mr. Colvin is relocating to Santa Fe, New Mexico.

**Mayor Wert motioned to appoint Mr. Larry Iwan to fill the unexpired Planning Commission term of Mr. Joe Colvin. Mr. Lipuma seconded the motion. The motion carried unanimously.**

### **B. Presentation of Fiscal Year 2007/2008 Financial Statements**

Mr. Orban presented the Fiscal Year 2007/2008 Financial Statements to the public and stated that the Town received a clean audit opinion and the Town's accounting procedures comply with all state and federal laws. The Town had an increase in assets during the year and remained within the budgetary guidelines. The Town provided residents with complimentary solid waste curbside service which totaled \$525,000 in expenditures. The Town's ending fund balance was \$13,626,000 which Mr. Orban commented was "magnificent". Mrs. Rucker thanked the finance staff for a job well done.

### **C. Amendment to Tidal Trails Beach Franchise Agreement**

Mayor Wert explained that the Town is in a current beach franchise agreement with Tidal Trails which expires October 31, 2008.

**Mayor Wert motioned to extend the beach franchise agreement with Tidal Trails for a term to commence on November 1, 2008 and expire December 31, 2010. All provisions of the agreement remain in full force and effect. Mr. Burnaford seconded the motion. The motion carried unanimously.**

### **D. Amendment to Island Beach Service, Inc. Beach Franchise Agreement**

Mayor Wert explained that the Town was in a current beach franchise agreement with Island Beach Services and that the agreement is set to expire October 31, 2008. Mayor Wert stated that two additional firms have submitted letters of interest in providing the service to the Town and that to fulfill the Town's fiscal responsibility; the Town will seek competitive bids on this service to allow all interested parties equal opportunity. Mayor Wert explained that in order to allow time for the bids to be received, the Town must extend Island Beach Services Agreement through the end of the calendar year.

**Mayor Wert motioned to extend the beach franchise agreement with Island Beach Services through December 31, 2008 and to authorize Town staff to seek competitive bids on the service. Mr. Burnaford seconded the motion. Mr. Orban stated that the RFP will allow interested firms the option to bid their service for sections of the beach or the beach in entirety. The motion carried unanimously.**

### **E. Executing Feasibility Study Agreement-The Big Picture Company**

Mayor Wert stated that the Ways and Means Committee recommended the expenditure of no more than \$5000 of Town funds for the purpose of conducting a feasibility study by the Big Picture Agency. Mayor Wert stated that prior Councilmember Don McIver, former KICA president Russ Warren, and Arts Council Member Bill Blizzard had presented this idea to Council a few years before and that funding was discussed as a line-item during the budget workshop. Mayor Wert explained that funding was supposed to be a match of \$5000 to meet the total cost of \$10,000 for the study and that he does not remember what group agreed to pay the remaining \$5000 but believes Mr. McIver thought that KIGR would be the second partner. Mayor Wert stated that the Town will not be the contracting agent.

**Mayor Wert motioned to approve the expenditure of \$5000 for a feasibility study to be contracted by another entity, also contributing \$5000 to The Big Picture Agency and the Town will not be the signing party.**

Mr. Lipuma stated that Mr. Blizzard was not representing the Arts Council on this matter. Mr. Lipuma stated that it was perplexing to him why the Town would pay \$5000 for a study and then not be the contracting party. Mr. Lipuma asked who will receive the \$5000 and who the other contracting party will be. Mr. Lipuma also asked if the money was coming from ATAX funding or the Town's General Fund. Mr. Lipuma stated that he believes this item should be funded by the ATAX fund due to its promotion of tourism to the area. Mr. Lipuma stated that he is simply unclear on this item and has a number of questions to be sure that this makes sense.

Mayor Wert stated that this item was discussed during the budget process and as a line item. The concept was that the Town will pay nothing more than \$5000, not travel and expenses. Mayor Wert explained that if another party did not come forward with the other \$5000 to act as the contracting agent, then this study would not be completed.

**The motion passed 3-1. Mr. Lipuma voted no.**

#### **F. Cross-Island Parkway Resolution 2008-5**

Mr. Burnaford stated that the Charleston County Council did not approve the pitchfork design for Maybank Road and the item has been delayed to gather more information. Mr. Burnaford stated that the City and County are still at a disagreement on how to handle the road's situation on Maybank Highway. Mr. Burnaford explained that Mr. Roberts has examined and analyzed this issue as a professional and has recommended that the only solution to the roads issue contains a mixed approach with either a "pitchfork" concept or the widening of Maybank with a conjunction with the cross island limited access approach.

**Mr. Burnaford motioned to approve resolution 2008-5 resolving that the Town of Kiawah Island supports the construction of the proposed cross island limited access road with either a pitchfork concept or the widening Maybank. Mr. Lipuma stated that the City controls the work and that the County controls the funding, which equals a conundrum and that this resolution is the only proposal that makes sense. The motion carried unanimously.**

#### **G. Logics Business License Automation**

Mayor Wert presented a request to approve the expenditure of \$19,750 of budgeted funds to automate the business license process. Mayor Wert stated that this item was recommended for approval by the Ways and Means Committee.

**Mr. Lipuma motioned to approve an expenditure of an amount not to exceed \$19,750 to Logics, Inc., for services involved in automating the business license renewal process. Mr. Burnaford seconded the motion. The motion carried unanimously.**

## **X. Committee Reports:**

### **20<sup>th</sup> Anniversary**

Mr. Lipuma stated that the celebration was a huge success with well over 400 attendees. Mr. Lipuma thanked his co-chair, Mr. Orban and the 20<sup>th</sup> Anniversary Committee for all of their hard work in preparation for the grand event. Mr. Lipuma stated that the accommodations were very comfortable and spacious, the cuisine was excellent, and entertainment was great. The final cost of the event was well under the \$50,000 budget.

### **Environmental Committee**

Mr. Lipuma stated that the Town hosted their quarterly Parkway/Beachwalker Clean-Up day on September 12 from 9am-12pm. Volunteers did a great job and were served lunch. Trash collection levels were down and Mr. Lipuma stated, "This is a good thing. Hopefully people are keeping the roadways cleaner." The Town has had a "banner year" for the Sea Turtle nesting with a total of 232 nests. The nests have had an 82% hatch rate and the first confirmed Leatherback Turtle nest and the first confirmed two-headed Leatherback Turtle. There were no wildlife calls during the past month. Piping Plover surveys are averaging 18 sightings per survey.

### **Beach Parking Lot**

Mr. Lipuma stated that on October 1, 2008 he met with Mr. Orban, Mr. Jordan, two representatives from DNR and a representative from SC Fish and Wildlife to discuss the proposed beach parking lot location. Mr. Lipuma stated that both agencies expressed concerns about the location and expected impact on Least Tern nesting habitat. The Least Tern is on the South Carolina threatened species list. While the final permitting decision rests with OCRM both agencies stated that they would recommend against permitting the project. Mr. Lipuma stated that the original permit application in March 2000 was denied by OCRM and that the likelihood of the Town receiving approval for the permit is extremely low. In light of this information, Mr. Lipuma instructed Thomas and Hutton to put a hold on the project until further information on alternatives is gathered. Mr. Lipuma recommended working with KIGR on locating 30 spaces at or near the Ocean Course Clubhouse. Mr. Orban and Mr. Lipuma will continue conversations with KIGR and KDP.

### **Kiawah River Revetment**

Mr. Lipuma stated that an onsite inspection of the Kiawah River Erosion was conducted with Mr. Armand Glassman, Mr. Paul Roberts, Mr. Jim Jordan, Mayor Wert, Mr. Fred Peterson and himself. Mr. Lipuma explained that the erosion is very clear and severe. On September 17, 2008 Mr. Lipuma met with Mr. Orban, Mr. Peterson, Mr. Jordan, and Dr. Tim Kana to discuss Dr. Kana's assessment of the potential impact of the proposed revetment. Dr. Kana advised that the revetment would do no harm to Seabrook or to Captain Sam's Spit. On October 2, 2008 Mr. Lipuma met with Mr. Orban, KDP, and Thomas and Hutton Engineering to review and discuss the revetment and bulkhead design. The revetment will be constructed with open blocks. The openings will eventually fill-in with sediment and natural vegetation will grow. Bulkhead material has not been

selected at this time. Revetment construction will begin once all permits are in place. Mr. Orban stated that after reviewing the full set of engineering plans he was very pleased with the project design and that they are using the most environmentally friendly materials as possible.

### **Arts Council**

Mr. Lipuma stated that Fredrick Moyer will perform October 12, 2008 at 4:00PM at the Episcopal Church of Our Savior. A Grassroots Lecture, by Dr. Dale Rosengarten, and sweetgrass basket maker Annie Scott will take place October 17 at 3:00PM. On October 19 at 7:00PM Quiana Parlor will perform at Turtle Point. The Arts Council will hear a proposal from Mrs. Rucker on making tickets available online during their meeting on October 9.

### **Public Safety Committee**

Mr. Orban stated that the Public Safety Committee will meet October 14, 2008. Mr. Orban also stated that the Kiawah Emergency Committee met two times during the threat of Tropical Storm Hanna and were well prepared for the emergency. Mr. Orban commented that when turtle nesting numbers are high it is safe to say that hurricane numbers are low.

### **Planning Commission**

Mr. Burnaford announced that he is the new liaison to the Town's Planning Commission and that they have not met within the past 30 days. No report was given.

### **Sea Island Issues**

Mr. Burnaford stated that he and Mr. Paul Roberts, KICA Chairman, attended the County Council meeting where they spoke in support of the Cross-Island Parkway and requested that the County come to a decision on the roadway project. Mr. Burnaford also stated that KICA has passed a resolution similar to Resolution 2008-5 to pass along their support to the County Council. The Seabrook Town Council and Seabrook Property Owners Association are in the process of considering similar resolutions and will make a decision by the end of October. Mr. Burnaford will attend the Johns Island Council on October 9, 2008 and the County Council meeting October 7, 2008.

### **CodeRed**

Mr. Burnaford stated that the Town had a 62-64% CodeRed answer rate during Tropical Storm Hanna notifications and that the system is working well. Mr. Burnaford explained that the disapproval of an additional CodeRed service, during the last Town Council meeting, has no effect on the Town's current CodeRed notification system and that calls will continue to be placed during the an emergency event.

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

Mrs. Rucker welcomed Stephanie Braswell to the Staff. Ms. Braswell is the Town Administrator's assistant. Mrs. Rucker explained that the Town is in the enrollment process for insurance. Mrs. Rucker will continue negotiations with landscape vendors and present further information during the November Ways and Means Committee meeting.

Mrs. Rucker stated that the Election Commission is seeking poll workers to work the December 2, 2008 Municipal Election and to contact Cathy Wilson for more information.

## **XII. Mayor's Report**

Mayor Wert stated that the Town's election will take place December 2, 2008 and that all four council seats plus the Mayor seat are open. Filing closed October 3, 2008 at 12:00PM and there are five candidates for the four open seats for councilmember: Mr. Orban, Mr. Lipuma, Mr. Burnaford, Mr. McHugh, and Mr. Morganstein. Mayor Wert announced that he was the only candidate to file for the position of Mayor. Mayor Wert reported that Mrs. Rucker was appointed to the Board of Directors for the Association of Public Treasurers of the United States and Canada on August 13, 2008. Mayor Wert stated that he was very proud of Mrs. Rucker and that it is a very prestigious organization for public treasurers. Mayor Wert stated that there has been confusion on the Planning Commission Workshop and explained that the Workshop will begin at 1:00PM and lunch will be served at 12:00PM. The workshop is part of continuing education for Planning Commissioners as required by SC state law. Mayor Wert congratulated Mr. Lipuma and Mr. Orban as co-chairs of the 20<sup>th</sup> Anniversary Committee and stated that the event turned out very well. Mayor Wert stated that the Town's audit came out stunningly well and congratulated Mrs. Rucker and Mr. Gunnells on their work. Mayor Wert also stated that the auditors commented that the Town has one of the best run financial operations of any similar sized municipality they have audited.

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

### **Q: Wendy Kulick, 38 Marsh Edge Lane,**

Mrs. Kulick stated that she has heard only great reviews from everyone that attended the 20<sup>th</sup> Anniversary Celebration and that it was a great party. Mrs. Kulick suggested that the candidates for council and mayor be placed on the Town's website. Mrs. Kulick thanked Mrs. Rucker for her help in providing her with documents related to revetments on Captain Sam's Inlet, Mingo Point, and the Vanderhorst Mansion. Mrs. Kulick stated after reviewing the documents she does not think the Town received proper notification as required under Municipal Code Sections 202 and 203. Mrs. Kulick stated that the Resort filled out an initial request application for their proposed revetment on Mingo Point but the other two applicants had not done so. Mrs. Kulick stated that the June 30, 2008 letter from Trenholm Walker, KRA Attorney, to Dennis Rhoad, Town Attorney acknowledged that KRA had made a mistake in not complying with Captain Sam's but no mention to the application for the mansion. Mrs. Kulick asked what steps the Town is planning to take to ensure that KRA complies with the Town's ordinances.

### **Q: Butch Neal, Island Beach Services Owner,**

Mr. Neal stated that he appreciated the opportunity to work with Town for the past 21 years and would appreciate any continued relationship with the Town in the future.

**XIV. Council Members Comments**

None

**XV. Adjournment:**

**Mr. Burnaford motioned to adjourn the meeting at 2:56PM. Mr. Orban seconded the motion. The motion carried unanimously.**

**Submitted by** \_\_\_\_\_  
Catherine Wilson, Town Clerk

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

**DATE:** \_\_\_\_\_

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