

**TOWN COUNCIL MEETING  
KIAWAH ISLAND MUNICIPAL CENTER  
COUNCIL CHAMBERS  
April 1, 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: Charles R. Lipuma  
Don McIver  
G. Steven Orban

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

Absent: Alan L. Burnaford, Mayor Pro Tem

**V. Mayor Wert announced that Mr. Burnaford was listening to the meeting via conference phone. Mr. Burnaford will be counted absent from the April 1, 2008 meeting.**

**Mr. Burnaford was required to listen to the first reading and debate of the two Ordinances and the Article 12 Revision in order to be eligible to vote on their second reading during the May meeting.**

**VI. Approval of Minutes:**

A. Town Council Meeting: March 11, 2008

**Mr. McIver motioned to approve the March 11, 2008 minutes; Mr. Lipuma seconded the motion. Motion carried unanimously.**

**VII. Citizens Presentation: None**

**VIII. Old Business: None**

**IX. New Business:**

**A. Ordinance Regarding Post-Disaster Debris Removal-First Reading (2008-2)**

Mayor Wert introduced the new Post-Disaster Debris Removal Ordinance and explained that the Town has the obligation to collect, remove and dispose of storm debris after an emergency event. This ordinance will allow the Town to collect, remove and dispose of storm debris once KICA and/or the property owners on the Island have moved their yard debris to the road way. The Mayor explained that an ordinance is required in order to allow the Town to legally apply for FEMA aid.

**Mr. McIver motioned to approve the first reading of Ordinance 2008-2. Mr. Orban seconded the motion. Motion carried unanimously.**

**B. Revised Article 12 Section 303 (2)-First Reading**

Mayor Wert explained that this was the first reading of the newly revised Article 12 Section 303 (2). The article was revised by members of the Planning Commission, the ARB and Charleston County planning staff in an attempt to remove ambiguous language which had led to construction of detached dwelling units on lots smaller than 15,000 square feet. At the March meeting of the Planning Commission, the revised Article was unanimously approved for recommendation to Town Council. The Mayor noted that the Article had been reviewed by the Town's attorney prior to the first reading.

**Mr. Orban motioned to approve the first reading of revised Article 12 Section 303 (2). Mr. McIver seconded the motion. Mr. Rhoad stated that between the first and second reading of the ordinance, he would like an opportunity to meet with the Planning Commission chair in order to discuss non-substantive issues. After comments, the motion carried unanimously.**

**C. Ordinance Prohibiting Glass on the Beach- First Reading (2008-1)**

Mayor Wert explained that it is common knowledge that having glass on the beach creates a safety hazard for all beachgoers. Therefore, the Town Attorney authored an ordinance prohibiting glass on Kiawah Island beaches for the protection of its visitors and residents. Mr. Lipuma stated that he will discuss this ordinance with the Environmental Committee in order to keep them up-to-date.

**Mr. McIver motioned to approve the first reading of Ordinance 2008-1. Mr. Orban seconded the motion. Mr. Lipuma commented that glass should be kept off of the beach but he is concerned that many mothers may use glass bottles for formula and milk; especially with the increased use of glass based on the concern of chemicals leaching from the plastic bottles. Mr. McIver stated that after the approval of Ordinance 2008-1, there will be new signage placed along all beach access points notifying beachgoers of the new prohibition of glass. Mr. Orban asked if the Ordinance would affect the Resort's serving of drinks around the Sanctuary. Mayor Wert explained that the Resort had been notified and no response had been received as of April 1, 2008. Mayor Wert also noted that other beach franchise entities approved of this ordinance and that the Kiawah Island Club uses only plastic cups for drink service. After discussion, Mayor Wert called for a vote and the motion carried unanimously.**

#### **D. Reappointment of Town Attorney**

Mayor Wert stated that he was pleased to offer the name of Dennis Rhoad Esquire and Rhoad and Rhoad Attorneys At Law, as the Town Attorney, once again. The Mayor stated that Mr. Rhoad and his firm have provided the Town with exemplary performance.

**Mr. McIver motioned to approve the reappointment of Dennis Rhoad, Esquire, and Rhoad and Rhoad Attorneys at Law as the Town Attorney. Mr. Lipuma seconded the motion. Mr. Orban clarified that when Mr. Rhoad is notified, he shall attend Planning Commission meetings. The motion carried unanimously.**

#### **E. Salary Adjustments**

The Mayor explained that this item was carried over from the December budget and performance appraisals because the Town had three new employees during that time and it was decided that upon their six month review, the item would be addressed by Town Council. The Mayor stated that the employees have performed exemplary work and that during executive session the details of their recommended salaries would be discussed.

**Mr. McIver motioned to approve the mid-year salary adjustments for three employees for an amount not to exceed \$5,800.00. Mr. Orban seconded the motion. Mr. McIver commented that the \$5,800.00 is a budgeted item from the 07-08 budget and would be effective until June 30, 2008 and that all employee salaries will be built into the new budget which begins on July 1, 2008. The motion carried unanimously.**

## **F. Island Wide ECO-Recycling Initiative**

Mayor Wert stated that since January 2008, the Town has formed several green initiatives including the formation of a “Green Team”. These initiatives seek to enhance the recycling efforts Island-wide and increase the types of recycling materials accepted by the Town’s current program. The Mayor went on to discuss the Resorts recent efforts to create a recycling center at Night Heron Park and the purchase of a “bulb-eater” machine used to safely dispose of fluorescent bulbs. The Mayor stated that fluorescent bulbs contain mercury and therefore pose a safety hazard when broken.

Mayor Wert stated that there were some issues with the Resorts efforts that need to be addressed. The first issue discussed by the Mayor was the fact that the Resort is a private entity. The Mayor stated concern with allowing a private entity to have control over the recycling issues on the Island and suggested that this should be the responsibility of the Town; especially when dealing with combustible and hazardous materials. The second issue addressed by the Mayor is the proposed location of the Resorts recycling center. As stated above, the Resort has suggested placing the recycling center at Night Heron Park. The Mayor stated that Night Heron Park is very close to waterways such as lakes, lagoons, and ponds and small children use the area for play.

Mayor Wert stated that the Town Administrator has recommended that the Town hire a professional consultant in order to design a recycling program similar to those used by other municipalities for a cost not to exceed \$5,000.00. The Mayor requested that the consultant operate with due haste and that the Town proceed with his recommendations. The Mayor explained that because this item does not exceed \$5,000.00, it does not require action by Town Council, but he wanted to present it for informational purposes. Mayor Wert also stated that this item was reviewed by the Ways and Means Committee and recommended during their March 31, 2008 meeting. The Mayor instructed Town Staff to send a letter notifying the Resort to postpone their recycling efforts at Night Heron Park until the Town has received the advice of the consultant. Mr. Lipuma stated that he would like the Environmental Committee to review the draft of the implementation plan in order for them to be aware of the proposal and have a chance for comment. Town Council members had no objections to this item.

## **G. Town’s 20<sup>th</sup> Anniversary Celebration**

The Mayor stated that the Town of Kiawah Island will be celebrating its 20<sup>th</sup> anniversary of incorporation during September 2008. He presented the 10<sup>th</sup> Anniversary publication for review of the Council and stated that it included comments from Town Mayors for the Town’s first ten years. Mayor Wert proposed the formation of a committee that will be charged with arranging the Town’s 20<sup>th</sup> Anniversary celebration. The Mayor noted that this event will be budgeted for during the upcoming budget preparation for 08-09. Mayor Wert asked Mr. Lipuma, Mrs. Rucker, Mr. Gunnells and others as Mr. Lipuma and Mrs. Rucker see fit to be a part of the committee. The Mayor asked the committee to produce a publication “better than the 10<sup>th</sup>’s” for the 20<sup>th</sup>. Mr. Orban stated that the Town’s 10<sup>th</sup> anniversary was a big party at Night Heron Park with food, drinks, and a lot of attendees.

The Mayor suggested the Sandcastle as a possible venue for the celebration because they have hosted “Celebrate Kiawah” events with over 600 attendees.

**X. Committee Reports:**

**Environmental Committee**

Mr. Lipuma stated that unfortunately the raccoon distemper outbreak continues on the Island and that to date, the Town and KICA have received at total of 60-70 reported cases. He also addressed a question raised last month by stating that the raccoon distemper will also affect the Island’s fox population. Fortunately, the distemper will not affect the bobcats on the Island. He went on to say that an aggressive alligator was reported during the last week of March and upon inspection, the alligator was merely sunning with its mouth open. The second round of bobcat trapping began during Mid-March. The second round of trappings include: two adult females, an adult male, and a juvenile mail. Jim Jordan and Eric Rice will continue trapping through mid-April in an attempt to launch all ten GPS collars. The Jewels in the Crown final publication will be reviewed by the Environmental Committee on April 8, 2008 and shortly thereafter, available to the public. The final publication will include all six Jewels articles along with images of the Island. He concluded by stating that the most recent Piping Plover surveys have shown the highest number of birds to date and that 49 Plovers were spotted during one survey in March.

**Arts Council**

Mr. Lipuma stated that the Arts Council hosted artist Bill Jameson during the one of their more unique events. Bill Jameson, a visiting artist from North Carolina, gave an art demonstration and lecture to around 40 attendees. During the event, Jameson painted a full canvas that sold for \$1,000 during the silent auction. Tommy Gill played to another sold out crowd on March 30, 2008 and concluded the Tommy Gill jazz series for the season. The College of Charleston Chamber Orchestra will be performing on April 20, 2008 at 4:00 p.m at the Episcopal Church of our Saviour.

**Kiawah Island Parkway Construction**

Mr. Orban reported that the Town is waiting to hear back from OCRM on the status of the newly submitted proposal. He also stated that he and Mrs. Rucker were giving a presentation to the BCDCOG for a \$200,000.00 SCDOT grant which will be used for a sidewalk on the parkway on Wednesday, March 2, 2008.

## **Financial Affairs**

Mr. McIver stated that staff is busy with the annual budget preparation and that Council will have a workshop on April 21, 2008 in order to review the budget.

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

The Town is continuing to expand its "Going Green" initiatives and has organized an Environmental Sustainability Week during April 14-18, 2008. Each resident will receive a post card and flyers which outline the Environmental Sustainability Week calendar of events. These events will include a Public Information session where various recycling vendors will be available on-site in order to answer any questions. The Town hopes that this session will educate residents on new ways to become environmentally friendly. On Tuesday, April 15, 2008 from 9:00am-11:00am, residents are invited to bring their personal documents to Town Hall where a large commercial shredder will be available to destroy personal documents. These documents will be disposed of in an environmentally friendly manner. The Town's 4<sup>th</sup> bi-annual roadway cleanup is taking place on Wednesday, April 16, 2008 from 9:00am-1:00pm. Everyone is invited to attend and attendees will be served a box lunch. The week will conclude on Friday, April 18, 2008 with a beautification project along Beachwalker drive. The Town encourages all residents to attend the events in order to help the Island become more environmentally conscience and as a result, more sustainable. The Town has also completed and submitted the \$200,000 SCDOT Enhancement Grant specifically for the bike path and trail along the Parkway. Mrs. Rucker stated that this project will hopefully begin within the next six months. Mrs. Rucker and Mr. Orban plan on presenting their request before a fifteen member panel at the BCDCOG on March 2, 2008. The application will then be forwarded directly to the SCDOT for their review. The Town's balanced score card will be available during the next two weeks because of the component which requires a high level of detail to specific department objectives and measures.

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

Mayor Wert wished Mrs. Rucker's husband well while he is doing work for a defense contractor in Iraq. He went on to explain that the distemper will have a devastating effect on the Island's fox population because there are much fewer foxes on the island than raccoons. The Town has received a letter from David Stahl, and the CSO thanking the Town for their support. The Mayor participated in a dedication of the new Pet Helpers building on Folly Road which is a facility for adoption and spaying and neutering of animals. The Mayor congratulated Mr. Lipuma and Mr. Burnaford for their membership on the Johns Island Council Blue Ribbon Committee. The Mayor stated that during KPOG's road's meeting, Megan Desrosiers, Coastal Conservation League, gave a very balanced and fair discussion to the roads issue on Johns Island. She discussed the issue of River/Bohicket road and the overpopulation of traffic. Mayor Wert also explained that Maybank road, in its entirety, is under the City of Charleston's jurisdiction.

**XIII. Citizens' Comments/Questions**

None

**XIV. Council Members Comments**

Mr. McIver noted that the document destruction day should be easy to remember, because it is Tax Day. He also suggested making arrangements with KICA to display events during the environmental sustainability week on both sides of the gate.

Mr. Orban stated that Berkeley Electric has applied to install a 9-duct line underneath the Kiawah Island Parkway. This will provide a new service to Kiawah; two full circuits and a set of spares. Due to the scope of this project, it will have to tie into the Town's parkway project. Mr. Orban stated, in response to Mr. Lipuma's bike path comment, that he believed the pickets look pretty good and serve their purpose until a permanent solution can be made.

Mr. Lipuma discussed the following observances related to a series of pickets that have recently been installed on Governor's Drive in order to define the bike path. These pickets were designed as a safety measure in order to divide the roadway from the bike path. Mr. Lipuma stated his concern over the fact that the lane was only 3 feet wide and therefore impossible for two bikes to pass each other in opposing directions and very hard for child-carrying buggies to negotiate the pickets. He also stated that he had witnessed a group of young girls using the pickets as a slalom run. Mr. Lipuma concluded by stating that upon his recent visit to the Ocean Course, the old clubhouse was 2/3 of the way demolished.

**XV. Executive Session-Legal Matters**

**Mayor Wert moved at 2:36 PM to have a five minutes recess before convening the executive session. Mr. McIver seconded the motion. Motion carried unanimously.**

**No votes or actions took place during the executive session.**

**Executive session was adjourned at 5:00PM.**

**XVI. Adjournment:**

**The regular meeting was reconvened at 5:01PM and adjourned at 5:02PM.**

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