

**TOWN COUNCIL MEETING
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
APRIL 5, 2011; 2:00PM**

Minutes

- I. Call to Order: Mayor Orban 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:** G. Steven Orban, Mayor
Alan L. Burnaford
Greg A. VanDerwerker
Fran Wermuth
- Also Present:** Dennis Rhoad, Town Attorney
Lakesha Shannon, Town Clerk
- Absent:** Charles R. Lipuma
Tumiko Rucker, Town Administrator
- V. Approval of Minutes:**
- A. Town Council Public Hearing Minutes of March 1, 2011**
Mr. Burnaford motioned to approve the minutes of the March 1, 2011 Public Hearing. The motion was seconded by Dr. VanDerwerker and passed unanimously.
- B. Town Council Meeting Minutes of March 1, 2011**
Dr. VanDerwerker motioned to approve the minutes of the March 1, 2011 Town Council meeting. The motion was seconded by Mr. Burnaford. Following edits noted by Mrs. Wermuth, the minutes were unanimously approved as amended.
- VI. Citizens' Presentations or Comments:**
- A. CERT Team**
Mr. Jack Regan provided an overview of the CERT Team's background. The Kiawah CERT is known as Unit C10C and is a part of Charleston County's program which includes 21 teams. Mr. Regan explained that CERT is designed to address a disaster when first responders are unable to respond or when there are not enough responders available. CERT provides relief during

the first 72-96 hours of a disaster. CERT Certification can be obtained through a 4 hour online course established by the Federal Government and 32 hours of classroom training, group sessions, final exam and a mock exercise to utilize the training skills. The Kiawah CERT Team currently has 16 certified members and 16 volunteers, and additional certified members and volunteers are needed. The CERT Team is also in need of \$30,000 start-up funding, an estimated ongoing yearly funding of about \$5,000, and the contingency for communication equipment such as radios.

B. Helipad Capital Campaign – Roper St. Francis Hospital

Mr. Steve Bottcher, Mr. Pat Kelly and Mrs. Wanda Brockmeyer, all representing Roper St. Francis Hospital, presented information about their Helipad Capital Campaign Initiative, and requested support from Council. Mr. Bottcher stated that the proposed helipad would provide rapid transport of patients directly to the emergency room. The helicopter would land on top of one of the buildings at Roper Hospital and lead directly into the operating room, saving approximately 15 to 20 minutes in arrival time. He stated that the helicopter ride currently takes about 8 minutes. Mr. Kelly provided statistics that explained how the proposed helipad would be beneficial in saving patients' lives. Mrs. Brockmeyer stated that the proposed helipad would provide an opportunity to utilize more helicopters, because they currently land on a shared helipad at MUSC.

Mayor Orban asked if Kiawah and Seabrook residents would benefit from the proposed helipad.

Mrs. Brockmeyer responded that depending on the time of day, travel time from Kiawah to the hospital in a helicopter would be 7 ½ minutes. She stated that a helicopter could currently land on Kiawah at Night Heron Park, the Ocean Course, and the parking lot behind Freshfields.

The cost to build the proposed helipad is \$2 million and funds will be solicited from individuals and Towns through philanthropy over a 5 year period. The goal is to complete construction of the helipad before the 2012 PGA.

Old Business:

C. CERT Team Relationship Discussion

Mr. Dennis Rhoad, the Town's Attorney, stated that during last month's meeting he was asked to research any possible liabilities associated with CERT becoming an affiliate of the Town. He stated that Kiawah's Unit C10C could be designated as a group of Town volunteers in which they would be covered under the South Carolina Tort Claims Act. He noted that the liability limitations would apply to volunteers as long as they are acting in the scope of what they are trained to do.

Mr. Rhoad stated that he spoke with Mr. Jim Tarter, Training Coordinator for Charleston County Emergency Management Department, who explained that that there are fourteen response districts in the County, with Kiawah being located in District 10. Mr. Rhoad commented that Kiawah CERT volunteers may already have liability protection under Charleston County; however, CERT volunteers would automatically have liability protection under the Town if they become an affiliate of the Public Safety Committee.

Mr. Rhoad suggested that anyone seeking additional information on CERT programs go to www.citizencorps.gov.

Mayor Orban recommended that the Town make CERT Unit C10C an affiliate of the Public Safety Committee with Mrs. Wermuth serving as Chairman.

Mrs. Wermuth motioned to accept the CERT Team as part of the Town's Public Safety Committee. The motion was seconded by Dr. VanDerwerker and passed unanimously.

Mayor Orban stated that he previously expressed some concerns with the long-term viability of the CERT Team, because volunteers could lose interest when there are no situations in which they would act. Mayor Orban suggested that the CERT Team prepare a three year plan to include: the start-up cost and the proposed operating budget for the second and third years. This plan would be reviewed by the Ways and Means Committee at the upcoming budget workshop. Mayor Orban also stated that he will talk with KICA about possibly sharing the costs associated with the CERT Team.

Mayor Orban stated that the Town's commitment to the CERT Team would be on a year to year basis for three years, after which time the committee would be revisited to address questions such as: Are the people still interested? Is there enough activity? Are there new volunteers? Mayor Orban stated that there needs to be adequate activity and training to keep the volunteers interested during times when there is no calamity.

Mrs. Wermuth stated that the idea of continuous training is very valuable and useful. Mrs. Wermuth commented on the Lowcountry CERT Volunteer Log she recently received which asks each CERT member to respond with the types of activity they have engaged in to provide assistance. Mrs. Wermuth noted that she performed patrol duty at the recent Flowertown Festival and agreed that exposing CERT members to that type of activity would assist them in learning more about the area, becoming acquainted with members they may have to work with, and learning to work with the different entities such as the fire and police departments.

D. FY 2011 Budget Amendment

Ordinance 2011-01, an Ordinance to amend the Town's FY 2011 Budget, was presented to Council for second reading. Mr. Gunnells explained that the proposed budget amendment would increase revenues by \$75,000 due to franchise fees from Comcast and increase expenditures by \$75,000 to fund \$50,000 for charitable contributions and a \$25,000 contribution to KICA for a Road Consultant.

Dr. VanDerwerker motioned to approve second reading of Ordinance 2011-01 amending the Town's FY 2011 Budget. The motion was seconded by Mayor Orban and carried unanimously.

VII. New Business:

A. Beach Safety Week Proclamation

Mayor Orban read into the record a proclamation for National Beach Safety Week which will be observed on May 23-30, 2011 (date corrected following meeting).

B. Litter Awareness Month Proclamation

Dr. VanDerwerker read into the record a proclamation which proclaimed April 2011 as Zero Tolerance for Litter Awareness Month.

C. Debris Reduction Site Contract

Mayor Orban stated that for the last several years the Town has been searching for a site that can be used for debris reduction in the event of a natural disaster. Mayor Orban commented that the Town has a very good disaster program in place and a very reputable contractor who will come in and help clean up the Island; however, the Town has to furnish the contractor with an approximately twenty acre site. Mayor Orban stated that the Town has worked out a contract with Mr. Buddy Darby to utilize Orange Hill Plantation, located at 3321 Bohicket Road on Johns Island, as a debris reduction site. Mayor Orban noted that the proposed Land Agreement Contract between the Town and KRA will be on a month-to-month basis with no cost to the Town unless the site is used. This site would be used for grinding and mulching of debris from the Island in the event of a natural disaster.

Mayor Orban motioned to approve the Debris Reduction Site Land Agreement. The motion was seconded by Dr. VanDerwerker.

Mrs. Wermuth requested clarification on the Compensation section of the contract that states, "...other reasonable expenses related to the leasing issues herein, not to exceed \$30,000." She stated that the time frame for the \$30,000 is not indicated and suggested that more specificity be included. Mrs. Wermuth also commented on the section under Compensation that reads, "Lessee shall be responsible for any costs of restoring the premises or other lands of Lessor damaged by persons involved in the debris disposal activities,

including but not limited to repairing roads on the premises or Lessor's other lands that are damaged." She stated that the issue of restoration also comes under the section Other Agreements which reads, "On a timely basis and no later than the expiration or termination of this Lease, the Lessee will regrade and restore the altered portion of the premises to an acceptable condition in accordance with good landscaping practices." She again suggested that more specificity is needed to clarify what the developer is anticipating in regards to restoration.

Mrs. Wermuth additionally commented on the section under Other Agreements which discusses added security to the premises. This section states, "Lessee shall be responsible for maintaining adequate security to the premises while conducting any of its said authorized activities during the Lease Term and ensuring that unauthorized use of the premises is prohibited." Mrs. Wermuth commented that she understands additional security may be needed; however, this section does not identify the type of security the Town would be required to put in place.

Mayor Orban responded that the Town would pay Mr. Mark Permar a maximum of \$30,000 for his time if the land is utilized. The Town's contractor would build any necessary roads.

Mr. Rhoad stated that if the proposed Land Lease Agreement is executed by both parties, it would simply be held in abeyance until there is a need to utilize the site for debris reduction. He noted that the terms of the agreement are month-to-month and can be terminated by either party within thirty days of a written notice. He added that the compensation provision of the contract previously carried very general language about the Lessor's time and expenses; therefore, the \$30,000 maximum cap was included. Mr. Rhoad commented that it is very difficult to be specific about the restoration of a site when the actual alterations to the site are unknown, but the intent is to essentially return the site to its previous condition before use. Mr. Rhoad stated that the Land Lease Agreement is necessary to be eligible for FEMA funding in the case of a natural disaster.

Mrs. Wermuth asked if any other debris reduction sites were explored and if competitive bidding requirements were met.

Mr. Rhoad responded that he was advised by Mrs. Rucker that the Town researched debris reduction sites and Orange Hill Plantation was the only response received.

After discussion by Council, the motion to approve the Debris Reduction Site Land Lease Agreement passed unanimously.

Mrs. Wermuth commented that she voted in favor of the current agreement because it is a far cry better than previous agreements which had no dollar amount attached.

D. Request to Review Older Neighborhood Zoning Standards

Mayor Orban stated that Mr. Lipuma has expressed some concerns with KIGR's redevelopment of West Beach and East Beach as it pertains to existing zoning in older neighborhoods. Mr. Lipuma recently made a presentation to the Planning Commission to make them aware of certain issues in existing neighborhoods. Mayor Orban stated the Council has a responsibility to look ahead and decide if relevant changes are needed to the current zoning regulations.

Mayor Orban stated that KIGR's redevelopment of West Beach and East Beach Villages could trigger redevelopment of the older neighborhoods in Kiawah's west end during the next few years. An onsite survey of these neighborhoods indicates it is timely for a review and assessment by the Planning Commission of the applicability of current standards to these long established areas.

Mayor Orban motioned, pursuant to Section 6-29-370 of South Carolina Code, that the Town direct the Planning Commission to conduct a study and submit a report on the following matter.

REVIEW FULLY THE CURRENT LAND DEVELOPMENT REGULATIONS APPLICABLE TO:

- 1. Existing R-2 Zone residential neighborhoods which are currently comprised of 1 to 1-1/2 story single family detached houses built at grade and cottages built on pilings, where lots are small.**
- 2. The existing R-2 Zone neighborhoods in No. 1 with respect to replacing a single family detached house or cottage with a duplex or other attached residential unit.**
- 3. Existing R-3 zoned neighborhoods which are currently comprised entirely of multifamily villas and which existing zoning permits a comingling of multifamily and single family detached units.**
- 4. Existing R-3 zoned residential neighborhoods which permit multifamily and single family detached housing and is silent on parking location standards for either class of residential units.**

The motion was seconded by Dr. VanDerwerker and passed unanimously.

E. Communications Committee Appointment: Jennie Troiano

Mrs. Wermuth stated that the Communications Committee currently has two members, Mrs. Frances Boyd and Mrs. Kathryn Parks, who have both been very active in the Committee. Mrs. Wermuth recommended the appointment of Mrs. Jennie Troiano to the Communications Committee and feels that her skills would be an asset to the Committee and the Town's publications.

Mrs. Wermuth motioned to appoint Mrs. Jennie Troiano as a member of the Town's Communications Committee. The motion was seconded by Dr. VanDerwerker and passed unanimously.

F. First Reading of Ordinance 2011-02: Ordinance to Prohibit Plastic Bags from Yard Waste Collection

Dr. VanDerwerker stated that County Council recently instituted an ordinance that prohibits the disposal of plastic bags in their landfill effective June 30, 2011 due to its contamination of compost. Ordinance 2011-02 amends Article 8 of the Town's Municipal Code to state that the Town will no longer pick up yard debris in plastic bags.

Dr. VanDerwerker will talk with Mr. Lameo about providing a letter and a copy of the Town's amended ordinance to all licensed landscapers advising them of this change. The change will also be highlighted in the upcoming editions of Town Notes and during KICA's Landscape Certification.

Council voted unanimously to amend the ordinance's effective date from May 3rd to June 30th in conjunction with the County's ordinance.

G. English as a Second Language Charitable Contribution

Mayor Urban stated that the Town recently allocated \$2,000 as a charitable contribution to the Johns Island Regional Library to purchase software enabling adult members of the Hispanic community to learn English. Due to issues with the software availability, Mrs. Darlene Jackson, the Library's Manager, provided a letter requesting that the Town increase the donation to \$2,500 so that more suitable software can be purchased.

Mayor Urban motioned to approve a \$2,500 donation to the Johns Island Regional Library for the purchase of software enabling adult members of the Hispanic community to learn English. The motion was seconded by Mr. Burnaford and passed unanimously.

VIII. Committee Reports:

Mr. Burnaford

Mr. Burnaford reported that the Johns Island Road Steering Committee met last month to brief its newest member, Mr. Craig Weaver, on the Committee's progress. The Committee's next meeting will be held on April 6th.

Mrs. Wermuth:

Mrs. Wermuth stated that she has met with Mr. Lipuma and Mrs. Rucker on at least two occasions to discuss possible changes to the Town's Employee Handbook. Mrs. Wermuth also stated that the Public Safety Committee will meet on April 19th.

Dr. VanDerwerker:

Dr. VanDerwerker stated that the Environmental Committee met on April 4th and discussed the County's ban on plastic bags for yard debris and the 2011 Bobcat Management Plan. Mr. Aaron Given, Assistant Wildlife Biologist, was contacted by the Audubon Society requesting that the Town apply for certification as an Important Bird Area (IBA). The Environmental Committee is also working with KICA, the Resort and the Conservancy on ways to address invasive plant issues.

Dr. VanDerwerker stated that the Public Works Committee "of one" has received an inquiry from a Town resident regarding the Municipal Center's compliance with ADA requirements. The Town's architect has been contacted and will be reviewing the building along with the County to address any possible issues.

The Ad Hoc Recycling Committee has changed their meeting schedule to quarterly and will hold their next meeting on April 15th. Dr. VanDerwerker commented that the Committee is making slow but steady progress with the regime recycling.

IX. Town Administrator's Report:

In her absence, Mrs. Rucker provided a written copy of her Administrator's Report to Council prior to the meeting.

X. Mayor's Report:

Mayor Orban provided details on the April 8th -10th Clean Marine Days in which boating and fishing equipment can be disposed of at several Mariner locations.

Mayor Orban stated that he attended the April 4th Council of Governments meeting at which voting machine issues were discussed.

Mayor Orban reported that the latest Census report shows that Kiawah's population has increased 40% over the past ten years.

Mayor Orban announced that a Public Hearing will be held on May 3rd to discuss the FY 2011-2012 Budget.

Mayor Orban stated that he was in attendance at a meeting with Mayor Riley to discuss I-526 and the Greenway Project, and feels that Mayor Riley is very supportive of these initiatives.

XI. Correspondences:

A. Comcast Cable

The Town received a letter from Comcast explaining additional fees associated with available digital services.

B. Roper Hospital Capital Campaign

The Town received a letter from Roper St. Francis Hospital explaining their Helipad Capital Campaign Initiative.

C. Tennis Tournament to Benefit the Survivors of Breast Cancer Patient

Mayor Orban stated that the Town received a letter from the Resort requesting support with a Tennis Tournament and Silent Auction Benefit for the family of Mrs. Prinella Haygood, a former Resort employee who recently died of breast cancer.

XII. Citizen Comments:

Mrs. Darlene Jackson, Johns Island Regional Library Manager

Mrs. Jackson thanked Council for their support to the Johns Island Regional Library in helping to purchase the LiveMocha learning software for the Hispanic population. She stated that this program is greatly needed and will definitely have a generational impact. Mrs. Jackson also thanked Mrs. Wendy Kulick for all her help with the project.

Mr. Richard Thomas, 4360 Betsy Kerrison Parkway

Mr. Thomas stated that he recently submitted a Freedom of Information Act request to the Town for information regarding activities related to promotion of the Johns Island Road Project. He stated that he received a response from the Town stating that the activities began in January 2011; however, he feels that the activities have been going on for quite some time. Mr. Thomas stated that he requested information from six months prior to the Road Consultant Contract being established by Mr. Maurice Washington, Mr. Paul Roberts and any other entities the Town has engaged with for this matter. Mr. Thomas stated he was extremely disappointed to only receive copies of presentations by Mr. Roberts and a few emails, but no further information from the Town Officials, Mr. Washington, or any other individuals involved. Mr. Thomas stated that he specifically requested a copy of Mr. Washington's contract with KICA in which the Town is providing financial support with public funds. He noted that neither Mr. Washington nor Mr. Roberts are registered lobbyist and may be in violation of the law. Mr. Thomas provided the Town Clerk with a response of additional questions he has regarding his request.

Mayor Orban responded that Mrs. Rucker will follow up with Mr. Thomas in writing regarding his additional request.

Mr. Butch Neal, 1518 Royal Colony Road

Mr. Neal thanked the Town for the National Beach Safety Week Proclamation. He introduced Mr. Rob Edgerton who runs the Beach Patrol on Kiawah.

XIII. Council Member Comments:

Mrs. Wermuth

Mrs. Wermuth stated that she attended the Basic Budgeting Training for elected officials provided by the Municipal Association.

Dr. VanDerwerker

Dr. VanDerwerker stated that he attended the Basic Budgeting Training as well. Dr. VanDerwerker also attended the Carolina Recycling Association's Annual Meeting in North Charleston. He stated that Mr. Scott Fister from the Resort was also in attendance and represented Kiawah very well by providing information on the recycling programs. Dr. VanDerwerker announced some upcoming events which include: the April 15th Road and River Clean-up sponsored by the Town, the Resort's April 16th Earthfest at Night Heron Park along with Cars in the Park.

Mayor Orban stated that electronic items disposal and a Document Destruction event will be held at Town Hall on April 20th.

XIV. Adjournment:

Mrs. Wermuth motioned to adjourn the meeting at 4:04 pm. The motion was seconded by Dr. VanDerwerker and passed unanimously.

Submitted by,

Lakesha Shannon, Town Clerk

Approved by,

G. Steven Orban, Mayor

Date