

**TOWN COUNCIL MEETING
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
MARCH 1, 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
Charles R. Lipuma
Greg A. VanDerwerker
Fran Wermuth**

Also Present: **Dennis Rhoad, Town Attorney
Tumiko Rucker, Town Administrator
Lakesha Shannon, Town Clerk**

Mayor Orban requested to amend the agenda to include the following items under New Business: Reappoint of SATAX Chairman, Ms. Diana Parmar; and American Red Cross Proclamation.

- V. Approval of Minutes:**
 - A. Town Council Meeting Minutes of February 1, 2011**

Mr. Burnaford motioned to approve the Town Council meeting minutes of February 1, 2011. The motion was seconded by Dr. VanDerwerker. Mrs. Wermuth requested that the corrections to the minutes which were submitted for Town Notes also be included in the final minutes. After minor edits, the minutes were approved unanimously as corrected.

- B. Town Council Retreat Minutes of January 10, 2011**

Mr. Burnaford motioned to approve the Town Council Retreat Minutes of January 10, 2011. The motion was seconded by Dr. VanDerwerker. The minutes of January 10, 2011 were approved unanimously as presented.

- VI. Citizens' Presentations or Comments:**

None

VII. Old Business:

A. Charitable Contributions Requests

By majority vote, Council approved \$50,000 for charitable contributions to nine local organizations: Rural Mission; Barrier Island Free Medical Clinic; Our Lady of Mercy Outreach; Habitat for Humanity; Coastal Crisis Chaplaincy; St. Johns Rotary Club; Full Faith Ministries; Respite Care Ministries; and Fields to Families. Funding is subject to the Town staff's documenting that the listed organizations meet all South Carolina filing requirements for charitable organizations.

Mayor Orban and Councilman Lipuma recused themselves from voting due to their affiliation with the Barrier Island Free Medical Clinic and the Sea Island Habitat, respectively.

B. FY 2011 Budget Amendment

Mr. Gunnells explained that the Ways and Means Committee recommended a \$75,000 increase in the Town's FY2011 budget. The proposed budget amendment will include \$50,000 for charitable contributions and a \$25,000 contribution to KICA for a Road Consultant. Mr. Gunnells also added that the Town will amend its revenue to recognize a \$75,000 increase due to additional franchise fees from Comcast.

Mr. Lipuma motioned to approve a \$75,000 increase to the FY2011 Budget subject to the required public hearings. The motion was seconded by Dr. VanDerwerker. Council voted unanimously to approve the budget amendment.

VIII. New Business:

A. MASC Legislative Resolution

Mrs. Rucker gave a brief explanation and read into the record the MASC Legislative Resolution. She stated that the Municipal Association has prepared this resolution and hopes that all municipalities will support their initiatives.

Dr. VanDerwerker made a motion to approve the MASC Legislative Resolution. Mr. Lipuma seconded the motion. The motion passed unanimously.

B. Employee Benefit Expenditure

Mayor Orban stated that the Ways and Means Committee unanimously recommended the approval of an expenditure in the amount of \$25,000 for employee compensation. Mayor Orban noted that this issue was discussed in executive session because the compensation issue involved an employee who earns less than \$50,000 annually, which is exempt from disclosure by SC Law Section 30-4-46(a). Following the discussion, the vote took place in open session.

Mayor Orban made a motion to approve the employee benefit expenditure for an amount up to \$25,000 as recommended by the Ways and Means Committee. The motion was seconded by Mr. Lipuma. The motion carried unanimously.

C. Greenbelt Project Engineering Proposal

The Town received a Greenbelt Fund Grant from Charleston County in the amount of \$120,361 for an American with Disabilities Act (ADA) compliant ramp and stairs for the Kiawah Island Parkway Bridge, for an ADA compliant deck and handrail system for the Beachwalker Drive pond drainage structure, and for a pedestrian path linking the fishing and recreation area at the Beachwalker Pond to Beachwalker County Park. The Mayor moved to accept the Ways and Means recommendation to approve an amount not to exceed \$30,000 for engineering services by McSweeney Engineering for the above projects. The motion was seconded and passed unanimously.

D. Appointment of Planning Commission Member: Mr. Lauren Patch

Mr. Burnaford stated that Mr. Edward Dittmeier has accepted a job out of town, therefore resigning from the Planning Commission.

Mr. Burnaford made a motion to appoint Mr. Lauren Patch as a member of the Planning Commission to complete the term of Mr. Edward Dittmeier, ending January 2012. The motion was seconded by Mayor Orban. Council voted unanimously to approve the appointment of Mr. Patch to the Planning Commission.

E. Reappoint SATAX Chairman – Ms. Diana Parmar

Mayor Orban made a motion to reappoint Ms. Diana Parmar as Chairman of the SATAX Committee. The motion was seconded by Mr. Lipuma. The motion passed unanimously.

F. American Red Cross Proclamation

Mayor Orban proclaimed March 2011 as American Red Cross Month and presented a proclamation to a representative from the Red Cross, Ms. Nancy Olson.

IX. Committee Reports:

Mr. Burnaford

Mr. Burnaford stated that Greenway Project Steering Committee has met to introduce its members and develop meeting procedures.

Mr. Burnaford stated that BCD Council of Governments has included the Greenway Project on the Charleston CHATS Project list. He stated that the

project is still awaiting Charleston County Council approval and no final decision has been made.

Mrs. Wermuth:

Mrs. Wermuth reported that the Communications Committee was approved by Town Council at the last meeting. The first committee meeting has not yet been held. Mrs. Wermuth stated that the next Public Safety Committee meeting will be held in April. Mrs. Wermuth commented that there are a number of things going on at the Conservancy this month. These events can be viewed on the Conservancy's website.

Mr. Lipuma:

Mr. Lipuma reported that February was a very busy month for the Arts Council which hosted several events including: **Planet D Nonet Big Band, Art Film on Maya Lin – “A Strong Clear Vision,” a Visual Arts Lecture by Rhett Thurman and Shubertiade Opera Cameos.**

The upcoming events for March include: **ETA 3 Chamber Music, Melon Bellow, Charleston Ballet Theater performs the “Golden Oscar”, Our World Series – The Song of Pumpkin Brown featuring Company of Company Jazz Trio and “Moments of Joy”.**

Mr. Lipuma commented that the Arts Council members work hard to bargain and keep prices down for these events.

Dr. VanDerwerker:

Dr. VanDerwerker stated that the Environmental Committee has discussed several issues, but the main focus will be on evaluating and controlling invasive plants on the Island, especially tallow trees. He stated that KICA and the Conservancy is also interested in addressing this issue. He stated that a proposal will be presented during the budget process.

Dr. VanDerwerker stated that the Ad Hoc Recycling Committee has accomplished most of its work; therefore the Committee has agreed to hold quarterly meetings. He stated that the committee will continue to work with regimes to improve and increase recycling. Dr. VanDerwerker reported that Charleston County has passed a law to ban the use of plastic yard debris bags as the plastic interferes with the landfill's mulching process. This change is effective June 30, 2011.

X. Town Administrator's Report:

Mrs. Rucker stated that she continues to represent the Town at public meetings including the Council of Governments and CARTA. She stated that on March 10th the County will be discussing its accommodations tax. She noted that there is a possibility that the funding which was previously reduced 50% could be restored in some fashion.

Mrs. Rucker stated that she is in the process of distributing a Comprehensive Report Card to all committees. This report card was approved and reviewed by the Planning Commission at their February 2011 meeting. The intent of this document is to ensure that each committee begins work on the objectives assigned to them as noted in the Comprehensive Plan.

Mrs. Rucker stated that Staff is in the process of compiling State Accommodations Tax Applications which are due by noon on March 9th. The SATAX Committee will meet on March 15th at 3:00 pm to review and discuss the submitted applications.

Mrs. Rucker stated that the Town is also in the process of receiving FY2012 budget requests in preparation for the Council Budget Workshop.

Mrs. Rucker stated that Town employees will be participating in a teambuilding exercise on Thursday, March 3rd to reinforce employee morale and reinforce the team concept.

Mrs. Rucker stated that the Town has been named the 2011 Municipal Association Achievement Award winner in the Communications Category for the Town's wildlife website. Mrs. Rucker thanked Mr. Jim Jordan and Ms. Donna Windam for their participation in the presentation on February 8th in Columbia. She stated that Town will be recognized at the MASC Annual Meeting.

Mrs. Rucker stated that the Town has contacted the Municipal Association for a quote on liability, property, automobile and inland marine coverage. She stated that they have a program which provides a standard Public Officials Liability Policy which covers elected and appointed officials. Mrs. Rucker stated that the Town has submitted the necessary forms to the Municipal Association to request a quote and are awaiting a proposal which will be shared at the upcoming Ways and Means Committee meeting.

Mrs. Rucker stated that she has received a response to the question previously asked regarding the Cable Franchise Agreement. Mrs. Rucker spoke with Ms. Wendy Holcombe, Cable Franchise Coordinator with the Secretary of State's Office, and was advised that the existing agreement with Comcast predates the current statutes governing franchises; however, once the agreement expires in 2012, it would fall under the SC State's Office permitting and would include internet service. The Town may amend its existing agreement with Comcast to include internet service upon review by the Town's legal counsel.

Mrs. Rucker stated that the Town will sponsor a Road and River clean-up on Friday, April 15th beginning at 9:30 am. Volunteers will need to meet at Town Hall to receive instructions, supplies and t-shirts. She stated that the clean-up

will be begin at 10:00 am and will include the Kiawah Island Parkway, Beachwalker Drive, and marshes along Kiawah Island River. She also noted that Mrs. King and the Naturalist from the Resort will assist with the clean-up. Mrs. Rucker asked that all volunteers contact the Town Clerk to sign-up.

Mrs. Rucker stated that with regards to concerns raised regarding the Town's funding of charitable contributions, she would like to go on record to state that she holds a leadership position in the Barrier Islands Free Medical Clinic Board, Rural Mission and St. Johns Rotary Club.

Mrs. Rucker stated that the Town has received two Freedom of Information Act request. The first request pertains to the Greenway Project and requests all documents and correspondences from Town Officials, the Town's Road Consultant and KICA regarding this project. The second request was for all correspondences and communications from the Town regarding Captain Sam's Spit. Mrs. Rucker stated that the Town has responded to the first FOIA request in writing as provided by the Town's FOIA Policy to request additional time to respond.

Mr. Rhoad clarified that the requests in the FOIA request regarding the Greenway Project applied to all council members.

XI. Mayor's Report:

Mayor Orban commented that Council attended the MASC Legislative Action Day in Columbia on February 16th, which was followed by dinner with Representative Leon Stavranakis.

Mayor Orban stated that as a follow up to the previous discussion regarding the CERT Team Funding request, he has met with Dr. Hal Fallon to discuss the plans for the organizations structure. Dr. Fallon has advised that the CERT Team would like to become an affiliate of the Town.

Council Member Wermuth, a member of CERT, stated that CERT is an official nationwide emergency preparedness program of the Federal Emergency Management Agency (FEMA). Local CERTs are groups of volunteer citizens who are trained to FEMA standards to assist their community in the event of natural or man-made disasters when emergency services may not be available. CERT members are trained in disaster preparedness, fire safety, disaster medical operations, light search and rescue, team organization, disaster psychology, and basic terrorism awareness.

Mayor Orban asked that Mr. Rhoad research any possible liabilities of the Town if his organization becomes an affiliate of the Town.

XII. Correspondences:

None

XIII. Citizen Comments:

Dr. Hal Fallon, 40 Marsh Edge Lane

Dr. Fallon commented that the Kiawah CERT Team needs an organized home so that they may begin to deal with organizational issues. Dr. Fallon stated that the organization would like to be set up so that they may receive outside funding from the Town, KICA, the Resort and Kiawah Island Club. He stated that most of the expenses are associated with start-up costs; however, funds are needed for refreshers and materials. Dr. Fallon stated that the start-up costs would total about \$30,000. He noted that the biggest portion of this expense would be for adequate communication which is very important in case of an emergency.

Wendy Kulick, 38 Marsh Edge Lane

Mrs. Kulick commented that she appreciates having the meeting materials posted online prior to the meeting. Mrs. Kulick requested that committee resignations and vacancies be posted in Town Notes. Mrs. Kulick requested to know the source of funding for the Greenway Project.

XIV. Council Member Comments:

Dr. VanDerwerker

Dr. VanDerwerker stated that the KPOG Annual Meeting was a success.

Dr. VanDerwerker commented that the MASC Training and Legislative Action Day were very impressive.

Dr. VanDerwerker stated that he will be attending the upcoming Municipal Elected Officials Satellite Training and the Carolina Recycling Association's Annual Meeting.

Dr. VanDerwerker stated that he has volunteered to assist Mrs. Rucker with possibly improving the charitable contributions requests applications.

Dr. VanDerwerker commented that he understands the majority of Council's position as it pertains to I-526; however, he does not support for I-526. He stated that it should be made known that it was the previous Council that unanimously supported I-526 and not the current Council.

Mr. Lipuma

Mr. Lipuma stated that he received a letter from Roper St. Francis Healthcare regarding the need for a helipad and helicopter for emergencies. The letter stated that Roper St. Francis' President, Mr. David Dunlap, will follow up with a request to meet with the Town to further discuss this request.

Mr. Burnaford

Mr. Burnaford referenced the I-526 letter of support from the Town and commented that he supports both I-526 and the Greenway Project. Mr. Burnaford also stated that each vote taken showed that the majority of the Island supports I-526.

Mrs. Wermuth

Mrs. Wermuth commented that she has been on the Island for several years and has never voted on the road issues, and she referred to the February Council meeting when one citizen raised the issue that, while citizens who oppose I-526 expansion and the Greenway are depicted as being in the minority, the residents take umbrage when told that Kiawah residents are in favor of the roadways. The resident added that, to her knowledge, there has never been a public vote, debate or alternative viewpoints presented on the Island, and would like to know on what basis someone can say that a majority of those on Kiawah support either project if the public has never been polled.

XV. Executive Session:

Dr. VanDerwerker motioned to enter executive session to discuss legal matters as listed on the agenda. The motion was seconded by Mr. Burnaford, and carried unanimously.

XVI. Adjournment:

Mr. Burnaford motioned to adjourn the meeting at 5:15 pm. The motion was seconded by Mr. Lipuma. The motion passed unanimously.

Submitted by,

Lakesha Shannon, Town Clerk

Approved by,

G. Steven Orban, Mayor

Date