

**TOWN COUNCIL MEETING
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
MAY 3, 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:** **Tumiko Rucker, Town Administrator**
 Dennis Rhoad, Town Attorney
 Lakesha Shannon, Town Clerk
- V. Approval of Minutes:**
- A. Town Council Meeting Minutes of April 5, 2011**
Mr. Burnaford motioned to approve the minutes of the April 5, 2011 Town Council meeting. The motion was seconded by Dr. VanDerwerker. The minutes of April 5, 2011 were unanimously approved as amended.
- VI. Citizens' Presentations or Comments:**
- A. Richard Thomas, Betsy Kerrison Parkway, Johns Island**
Mr. Thomas commented on his recent FOIA request to the Town, and the response letter he received from the Town Attorney which stated that the Town had fully complied with the FOIA request. Mr. Thomas stated that he finally received a copy of the Town's contract with Dr. Paul Roberts; however, he felt that few documents related to the communications and activities of Dr. Roberts were received. Mr. Thomas feels that the Town's response was inadequate and commented that he is very disappointed with the way his FOIA request was handled.

B. Kathy Parks, 499 Old Dock Road

Mrs. Parks commented on several articles that stood out to her as she read the Post and Courier and the most recent edition of the Island Connection. Mrs. Parks stated that the Town is pushing the idea of the Sea Island Greenway and its actions should be fully transparent to the citizens. She commented that in a small community like Kiawah, transparency is expected; however, recent news coverage has suggested that Town Council is not living up to this expectation, especially as it relates to support for and expenditure of funds on the Greenway. She asked that Council pledge to change that.

Mrs. Parks also commented on hurricane evacuation routes, and stated that the Town's state mandated route is down Main Road and Highway 17 South to Walterboro. The Sea Island Greenway goes in the opposite direction and would not help Kiawah, Seabrook or Johns Island in the case of an evacuation. She stated that many people on Johns Island worry that they would have nowhere to go in the event of a hurricane, and have requested that St. Johns High School be opened as a Red Cross shelter.

Mrs. Parks commented on Maurice Washington's recent visits to churches on Bohicket and Main Road. He has publicly stated that several churches are in the line of the road widening unless the Greenway is built. She stated that County Council has never voted to widen Main Road, Bohicket or River Road. Instead, they have voted to seek money to improve intersections and turning lanes. Mrs. Parks feels that the Town should benefit this cause, as it would benefit all, and not help perpetuate the myth that it is one way or the other. Mrs. Parks commented that she is upset that Mr. Washington is intimidating and scaring the churches along Johns Island that they are at risk of losing their land if the Greenway is not built.

Mrs. Parks commented on an article regarding the fragility of oyster beds and Kiawah's shared appreciation for its natural environment. She is concerned with the article's statement that increased runoff is one side effect of more roads and more rooftops. She requested to know if residents should be concerned about overdeveloping Johns Island if the Greenway is built. Mrs. Park also commented on the need for oyster beds in preserving the river water, and feels that the Town should support that initiative.

Old Business:

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

Dr. VanDerwerker stated that effective June 30th, the County will no longer accept yard waste in plastic bags at the Bee's Ferry Landfill. The Town is passing this ordinance in conjunction with a similar ordinance passed by County Council.

Dr. VanDerwerker motioned to approve Second Reading of Ordinance 2011-02. The motion was seconded by Mr. Lipuma, and approved unanimously as amended by Mrs. Wermuth.

VII. New Business:

A. National Bike Month Proclamation

Mayor Orban read into the record a proclamation to proclaim the month of May as National Bike Month on Kiawah. Mrs. Wermuth suggested minor edits to the proclamation.

B. Suburban Disposal FY 2012 Request for Increase

Mrs. Rucker stated the Town's current contract with Suburban Disposal contains a "Request for Increase" clause which allows the contractor to request an increase in writing by May 1st of each year for consideration during the budget process. During the April 19th budget workshop, the Town included a 2.5% cost of living adjustment for Suburban Disposal; however, on April 27th the Town received a letter from Suburban Disposal requesting a 3.2% CPI increase which would become effective July 1, 2011 – June 30, 2012. This increase would result in a \$7,700 net change in the proposed FY 2011-2012 budget.

Mr. Burnaford motioned to approve the 3.2% CPI increase requested by Suburban Disposal. The motion was seconded by Dr. VanDerwerker, and passed unanimously.

C. First Reading of Ordinance 2011-03 FY 2011-2012 Budget

Mr. Gunnells gave a brief overview of the budget as presented to Council for first reading, and requested that second reading be subject to the approval of the \$7,700 increase for Suburban Disposal.

Mayor Orban motioned to approve First Reading of Ordinance 2011-03 FY 2011-2012 Budget. The motion was seconded by Mr. Lipuma.

Dr. VanDerwerker disclosed that his wife is an employee of the Kiawah Island Natural Habitat Conservancy; therefore, he has recused himself from any discussion regarding the Town's reservation of fund balance for a charitable contribution to the Conservancy during the Budget Workshop and the Ways and Means meeting.

Mrs. Wermuth stated that enacting language in Ordinance 2011-03 is not clear, and requested that it be replaced with the same enacting language included in Ordinance 2011-02. Mr. Rhoad stated that the enacting language in Ordinance 2011-03 was consistent with the language in the municipal code as it pertains to the adoption of budgets. Mayor Orban requested to approve first reading of Ordinance 2011-03 as presented and make any necessary adjustments prior to second reading.

Council voted unanimously to approve Ordinance 2011-03 as presented.

D. Fund Balance Policy

Mr. Gunnells provided a brief overview the Fund Balance Policy as it relates to the new Governmental Accounting Standards Board (GASB) requirements. He stated that GASB 54 is a requirement that affects governments whose fiscal year begins after June 15, 2010.

Mr. Burnaford motioned to approve the Fund Balance Policy. The motion was seconded by Mr. Lipuma, and passed unanimously.

E. Greenery Landscape Contract Renewal

Mrs. Rucker stated that the Town currently has a landscape contract with the Greenery of Charleston for the maintenance of the Roundabout and the Kiawah Island Parkway. The contract included an 18 month maintenance warranty for the plantings on the Parkway. The Town received a letter from the Greenery of Charleston expressing their interest in extending the warranty for an additional 12 months. Mrs. Rucker noted that the request was unanimously approved by the Ways and Means Committee.

Mr. Lipuma motioned to approve the extension of the Greenery Landscape Contract warranty for an additional 12 months. The motion was seconded by Dr. VanDerwerker, and passed unanimously.

F. Greenbelt Agreement

Mrs. Rucker stated that the Town has received a portion of the Greenbelt funding which will be used for improved pedestrian access off the Kiawah Island Bridge and fishing pier on Beachwalker Drive, and the extension of the current bikepath and walking trail down Beachwalker Drive to the Beachwalker County Park. The proposed Greenbelt Agreement between the Town and Charleston County has been reviewed extensively and recommended by the Town Attorney and the County Attorney. Mrs. Rucker noted that the Town is the first recipient of Greenbelt Funds for this type project.

Dr. VanDerwerker motioned to approve the Greenbelt Agreement. The motion was seconded by Mr. Lipuma.

Mrs. Wermuth commented that she has not had the opportunity to fully read the agreement, and requested to postpone the approval until the document is discussed further by the Ways and Means Committee.

Mr. Lipuma commented that the project has been discussed numerous times, and includes improvements to the fishing pier on the Parkway, fishing pier on Beachwalker Drive and a path to the County Park.

Mayor Orban commented that the Town has also approved an engineering contract as well for this project.

Mrs. Rucker responded that the draft version of the Greenbelt Agreement was presented to the Ways and Means Committee several months ago for information, as it was still being vetted by the Town Attorney and County Attorney.

Council voted 4-1 to approve the Greenbelt Agreement as presented. Mrs. Wermuth voted no.

VIII. Committee Reports:

Dr. VanDerwerker:

Dr. VanDerwerker commented that the April 15th Road and River Clean-up was a success and thanked KICA and the Resort for their assistance. A representative from the SC Department of Natural presented information about their Oyster Shell Program to the Environmental Committee. The College of Charleston is currently conducting an Amphibian/Reptile Study on the Island. The Turtle Patrol will kick off their season this week. The Public Works Committee is currently working with the Town's architect to evaluate the Municipal Center for disability compliance.

Mr. Lipuma:

Mr. Lipuma commented on the recent Arts Council events. He stated that an audience of about 600 experienced an outstanding performance at the May 1st Piccolo Preview which was held at Holy Spirit Catholic Church. He noted that the event ended with a standing ovation. On May 7th, the Turtlepoint Clubhouse will host the West End Mambo event; salsa dance lessons will be provided an hour prior to the event.

Mrs. Wermuth:

Mrs. Wermuth reported that the Public Safety Committee met on April 19th. An item of discussion was the Beach Patrol's request to ban pedestrian traffic on the existing emergency access points. Mrs. Wermuth stated that she was advised this morning of an ad hoc committee report regarding this issue and will discuss the issue further at the next Public Safety Committee meeting.

Mr. Burnaford:

Mr. Burnaford reported that Maurice Washington provided an update of his progress with the Johns Island Roads Project at the recent KICA Roads Committee meeting. He stated that the Committee also discussed the "Fix Our Roads First" issue. Mr. Burnaford also reported that the Planning Commission Subcommittee met last week to discuss the Council's request to review, and determine if existing building codes are appropriate for the redevelopment of certain older neighborhoods.

IX. Town Administrator's Report:

Mrs. Rucker stated that the Town has been actively searching for Officers and Directors Insurance. The Town is ineligible to participate in the Municipal Association's Insurance Program because of its ownership of the Kiawah Island Bridge. An application has been submitted to Wells Fargo Insurance Services and a complete quote should be received by the end of May.

Mrs. Rucker announced that Rob Edgerton, who works for Beach Patrol, has received a Beach Vehicle Operator Certification from the US Lifeguard Association. The Town will hold its annual Beach Meeting on May 13th in the Council Chambers.

As part of the Town's participation in the Community Rating System, a flood map was mailed to all residents last week which included helpful information for homeowners.

Mrs. Rucker stated that fliers have been distributed for the Town's upcoming June 9th Annual Disaster Awareness Day. This event will include speakers, exhibitors, prizes and outdoor displays. On May 23rd, the Town will participate in Emergency Operations Training at the Charleston County Operations Center provided by the Emergency Management Department. The Town will also participate in the statewide emergency exercise with Charleston County on June 14th and a meeting of the Kiawah Emergency Committee will be scheduled for early June.

Mrs. Rucker noted that the Town's Comprehensive Annual Financial Report (CAFR) has been certified by the Government Finance Officers Association (GFOA) for fiscal year ending June 30, 2010. She commended Mr. Gunnells for his work in continuing the certification of the Town's financial statements which is the highest form of recognition in governmental accounting and financial reporting.

Mrs. Rucker announced that she has received her Credentialed Manager's Candidate Designation from the International City Managers Association (ICMA). There are 1,211 members across the United States and Canada with Mrs. Rucker being one of only 20 managers credentialed in South Carolina.

X. Mayor's Report:

Mayor Orban commented on the Prinella Haygood Tennis Tournament Benefit, which will be held in memory of Mrs. Haygood, a former Resort employee. This event will be held May 12-15 at the Roy Barth Tennis Center and all proceeds will be donated to her family and Roper St. Francis Hospital. This event will include a Silent Auction and Dinner on May 14th at the East Beach Conference Center.

XI. Correspondences:

A. FOIA Response to Richard Thomas

Mayor Orban commented that the Town Attorney has responded to Mr. Thomas in regards to his recent FOIA request.

Dr. VanDerwerker questioned the dates of Dr. Paul Roberts' resignation as the Town's Road consultant, and stated that the Town has not received a resignation letter. He also commented on recent articles that noted Dr. Roberts as the Town's Road Consultant after his said resignation.

Mr. Rhoad responded that he requested information from each Councilmember and Mr. Roberts in response to the FOIA request, and all information received was submitted to Mr. Thomas. Mr. Rhoad also commented on Mr. Thomas' question of the Town's communications through personal email accounts and suggested that the Town may want to consider how it will preserve these type communications.

XII. Citizen Comments:

Richard Thomas, 4360 Betsy Kerrison Parkway, Johns Island

Mr. Thomas commented that any Town business discussed by personal email is subject to FOIA. He stated that he clarified in his letter the dates for which he was requesting information; however, the requested information was not received. Mr. Thomas stated that after hearing the comments from Mr. Rhoad, he anticipates further disclosure of the information he requested.

Kathy Parks, 499 Old Dock Road

Mrs. Parks reiterated her concerns with the Greenway Project. She asked if Kiawah residents could meet Mr. Washington, adding that residents deserve a better explanation of the Greenway Project. Mrs. Parks commented that it breaks her heart that the Town is not trying to protect the community as a whole

Dr. Paul Roberts, 141 Grey Fox Den

Dr. Roberts commented that he would be happy to speak with anyone regarding any questions about the Greenway Project.

XIII. Council Member Comments:

Mrs. Wermuth

Mrs. Wermuth requested to view a copy of Dr. Paul Roberts' letter of resignation as the Town's Road Consultant.

Mr. Burnaford

Mr. Burnaford stated that he received a verbal resignation from Dr. Roberts as Road Consultant and he will provide the official date of resignation at a later time.

XIV. Adjournment:

Mr. Lipuma motioned to adjourn the meeting at 3:10 pm. The motion was seconded by Dr. VanDerwerker and passed unanimously.

Submitted by,

Lakesha Shannon, Town Clerk

Approved by,

G. Steven Orban, Mayor

Date