

**TOWN COUNCIL MEETING  
KIAWAH ISLAND MUNICIPAL CENTER  
COUNCIL CHAMBERS  
May 1, 2007, 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  
Don McIver  
Charles R. Lipuma

**Also Present:** Tumiko Rucker, Town Administrator  
Amber Simmons, Town Clerk  
Dennis Rhoad, Town Attorney

**Absent** G. Steven Orban

**V. Approval of Minutes**

**A. Town Council Minutes: April 3, 2007**

**Mr. Burnaford moved to approve the minutes for April 3, 2007; motion seconded by Mr. Lipuma.**

Mayor Wert, Mr. Burnaford, and Mr. Lipuma made corrections to the minutes.

**With their corrections the minutes were approved unanimously.**

**B. Town Council Meeting for Executive Session: April 5, 2007**

**Mr. McIver moved to approve the comments made following the**

**April 5, 2007 Executive Session meeting; motion seconded by Mr. Lipuma. Motion carried unanimously. Minutes approved as submitted.**

**C. Town Council Minutes for Budget Workshop: April 16, 2007**

**Mr. Burnaford moved to approve the minutes for April 16, 2007; motion seconded by Mr. McIver.**

Mr. Burnaford, Mr. Lipuma and Mr. McIver made corrections to the minutes.

**With their corrections the minutes were approved unanimously.**

**D. Town Council Minutes for Budget Workshop: April 19, 2006**

Mayor Wert noted that the Ways and Means Committee approved the Budget Workshop minutes for April 19, 2006, however, the Council had not, so as a housekeeping matter the minutes were being presented for approval by the full Council.

**Mr. Burnaford moved to approve the minutes for April 19, 2006, motion seconded by Mr. Lipuma.**

Mr. Lipuma made a minor correction on page 3 of the minutes.

**With this correction the minutes were approved unanimously.**

**VI. Citizens Presentation: None**

**VII. Old Business:**

**A. Kiawah Island Parkway Construction Status**

Mrs. Rucker noted that on April 25, 2007 Mr. Jordan, Mr. Orban and she met with Fred Kicklighter, from the LPA Group and Ward Edwards, via conference call. During the conference call Mrs. Rucker noted that the Town inquired about the status of written comments from the permitting agencies that were made during the public input period. It was noted that the comment period for the permit applications for the Kiawah Island Parkway project had expired; however the Town had not received the written comments from the permitting agencies. The Town would not know what the permitting agencies are requiring for mitigation of the construction until the comments are received. Once the Town receives the written comments, then we will know what the next steps are to begin the project. The Town is still anticipating that construction should occur in the fall of 2007. Mrs. Rucker said that an update would be given as soon as the Town receives the information.

Mayor Wert noted that the principal concern for the project is the mitigation of wetlands.

**B. Landscaping Improvements**

Mayor Wert said that the Town currently has funding available in the 2006-2007 budget to landscape in front of the Kiawah Island front gate in the County Accommodations Tax Fund in the beach, ground, and upkeep line item, in the amount of \$17,000. In addition, there is funding available in the Hospitality Fund and the Contingency line item in the amount of \$40,750.

**Mayor Wert moved to use some of the existing funds available to improve the landscaping at the front gate and along the Kiawah Island Parkway; motion seconded by Mr. McIver.**

Mr. Lipuma asked what types of upgrades would occur during the landscaping improvements.

Mayor Wert responded to Mr. Lipuma's question, and said that the following improvements would occur: replacement of the existing flagpoles, upgrades to the Kiawah Island sign, relocation of the existing palm trees, and upgrades to the flowers and overall landscaping.

**Motion carried unanimously.**

**VIII. New Business:**

**A. Appointment of Town Treasurer**

**Mr. McIver moved to appoint Kenneth Gunnells as Town Treasurer; motion seconded by Mr. Burnaford. No discussion. Motion carried unanimously.**

**B. Kiawah Natural Habitant Conservancy request for Additional Funding**

**Mayor Wert moved to increase the \$100,000 grant to the Kiawah Island Natural Habit Conservancy to \$200,000 per year with a commitment of \$1,000,000 over a five-year period. Mayor Wert asked if there was a second. The motion was not seconded and did not carry.**

Mayor Wert noted that the Town's current commitment of \$100,000 to the Kiawah Island Natural Habit Conservancy and the additional resources we offer to the Conservancy demonstrate our commitment to this program.

Mayor Wert noted that this Town Council would not commit future Town Councils to a \$200,000 a year commitment totaling a million dollars over a

five-year period.

Mr. Lipuma said that he agrees with the rest of the Town Council members to not increase the grant to \$200,000. Especially given that the Kiawah Island Community Association could now provide funding through the recent covenant change.

**C. Ordinance 2007-04: To Adopt the FY 07/08 Budget (1<sup>st</sup> Reading)**

**Mayor Wert moved to approve 1<sup>st</sup> reading of ordinance 2007-04; motion seconded by Mr. Burnaford. Motion carried unanimously.**

Mr. McIver answered the numerous questions that were asked during the Public Hearing pertaining to the FY 07/08 budget.

Mayor Wert noted that these are budgeted items and if the money is not needed, then the funds would not be spent. Mayor Wert also noted that any item more that \$10,000 must come before the Town Council for approval.

**D. Public Meeting May 14, 2007**

Mayor Wert said that a public meeting is scheduled for May 14, 2007 in the Council Chambers to receive public input on a potential Development Agreement between the Town of Kiawah Island and Kiawah Island Golf Resort. Mayor Wert noted that such a potential Development Agreement could affect all properties owned by Kiawah Island Golf Resort. Mayor Wert briefly explained that this meeting is not a public hearing, as required by law, but a public meeting. In the event that the Town should enter into a Development Agreement, then the required public hearings would be held. In addition, Town Officials will be available on two occasions to clarify the zoning maps and zoning definitions for the Kiawah Island Golf Resort Properties. These information sessions will be held on Monday May 7, 2007 from 9:00 AM to 11:00 AM and Monday May 9, 2007 from 3: 00 PM to 5:00 PM in the Council Chambers.

**IX. Correspondence - None**

**X. Committee Reports**

**Environmental Committee**

Mr. Lipuma stated that on April 19, 2007 a breach at the East End, caused ocean water to enter the fresh water wetlands in the area of the Ocean Course Clubhouse. At that time we experienced an unusually high tide of 7.6 feet. On Tuesday, April 24, 2007 the breach was closed in about 4 to 5 hours. The

reconstructed berm is holding nicely.

On Saturday, April 28, 2007 we conducted our second Great American Cleanup along the Kiawah Island Parkway and Beachwalker Drive. Mr. Lipuma noted that sixteen volunteers participated and the cleanup was completed in 3 to 4 hours. Mr. Lipuma noted that the volunteers collected 28 bags of trash totaling 560 pounds, and a large pile of construction debris and lumber. The volunteers received a light breakfast and a T-shirt for participating in the cleanup. Mr. Lipuma recognized the new Town Treasurer, and his family, and Susan Tousingnant, a visiting resident, for participating in the cleanup.

Mr. Lipuma said that Mr. Lameo will continue to conduct weekly beach sweeps to assess beach litter.

There were six wildlife calls during the month. Three animals were hit and killed by cars, they were a 3-foot alligator, an adult bobcat and a female deer.

The GPS Bobcat Study is completed. A total of five bobcats were collared, 3 males and 2 females. Mr. Lipuma noted that the den of one female bobcat revealed 2 male kittens.

Animal Planet's Spring Watch filming on Kiawah Island is complete. The first episode aired on April 21, 2007.

### **Arts Council**

Mr. Lipuma said that on April 21, 2007 Cleve Francis and Friends performed at the East Beach Conference Center. It was a gala event for enjoying Country music and dancing. Mr. Lipuma noted that over 200 people attended the event.

On May 3, 2007 a French cabaret singer will perform at the Sandcastle at 7:00 PM.

On May 6, 2007 "Prelude to Piccolo Spoleto" is scheduled at Holy Spirit Catholic Church. During this event the Charleston Symphony Orchestra, Soprano Mary Hubbell, and the Terranova Piano Trio will perform at 3:00 PM.

On May 17, 2007 the Town is hosting the Charleston Symphony Orchestra at Freshfields at 6:00 PM.

On May 21, 2007 Silent Movie Night featuring Charlie Chaplin will be shown at the Sandcastle at 7:00 PM.

### **Financial**

No report.

**Communication Committee**

Mr. Burnaford said that the Communications Committee met and discussed combining *Town Notes* and *The Digest* into one mailing unit. *Town Notes* will continue to contain Town of Kiawah issues, and *the Digest* will continue to contain KICA information. Both publications will be mailed as one document to all property owners.

The Communications Committee is committed to demonstrating the philanthropy of the Kiawah property owners. The committee will work with the *Post & Courier* to publish pictures of Kiawah residents engaged in philanthropic activities. For example, the presentation of a check for the monies raised for the Gibbes Museum will be photographed and published in the *Post and Courier*.

**Johns Island Council**

Mr. Burnaford attended the Johns Island Council meeting in April. During the meeting Yvonne Gilreath, from the Council of Governments (BCDCOG), reported on a grant that the COG received which will be used to encourage tourists to travel on Bohicket Road/Betsy Kerrison Parkway. Bohicket Road has been designated as Scenic Highways.

**XI. Town Administrator's Report**

Mrs. Rucker stated that the flags would be flown at half-staff on Wednesday, May 2, 2007 in honor of fallen Law Enforcement officers.

Mrs. Rucker provided an update on ongoing projects at Town Hall. The telephone system replacement at Town Hall is underway and the wiring has been completed. Mrs. Rucker said that she has been working with Stan Padgett on the review of the chosen vendor Nuvox. The projected completion date for this project is the end of May. The website migration and the domain registration transfer have been completed by VC3 and we are anticipating that the website will be fully operational by the end of the week.

Mrs. Rucker recognized Amber Simmons, Town Clerk, for her efforts to secure and maintain the Town's official records. She noted that Mrs. Simmons attended a training class at the State Archives Office on records management. Mrs. Rucker said that 10 years of records have been scanned and sent away for microfilming. A copy of the microfilm would be sent to the State Archives Office and an additional copy given to the Town, which will be stored off site.

In addition, Mrs. Rucker recognized Jim Jordan and Eric Rice for their role in filming Animal Planet's Spring Watch.

Mrs. Rucker noted that Town staff would participate in customer service training in conjunction with the Kiawah Island Community Association later this month.

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

Mayor Wert said that last month during the Council meeting an individual asked about the feasibility study on the Community Performing Arts Center. They further asked when the public hearings would be held for the Community Performing Arts Center since the projected operational date is 2008?

Mayor Wert noted that the feasibility study is exactly that, a feasibility study. This study has raised many questions by property owners, all of which need to be answered. These questions need to be answered before, we as a Council, can present this information to the public. Mayor Wert said that the projected operational date of 2008 is far from being possible or probable.

Mayor Wert said that as the summer season starts and many people begin their travels, he does not believe that there will be much activity on the Community Performing Arts Center. Mayor Wert said that the next steps for the Center would be to determine funding options and to talk with several Performing Arts groups to determine if they would be interested in a facility.

Mayor Wert said that a question was raised about the "Turtles on the Town" and the decision to place the Town's turtle at Freshfields, instead of at Town Hall or the front gate. Mayor Wert said the purpose of the turtle is to encourage contributions to the South Carolina Aquarium for turtle research. Mayor Wert said that while the turtle would look very nice at our entranceway, it would get more exposure at Freshfields from Kiawah Island residents, visitors from Seabrook Island, and the Johns Island Communities.

Mayor Wert noted that the Charleston Symphony Orchestra would perform at Freshfields on May 17, 2007 with sponsorship from KRA and the Town.

Mayor Wert commented on the back flow letters, by stating that this is a mandate from DHEC and the Town is currently working with the Community Association to comprise a list of qualified plumbers to conduct the test. Mayor Wert noted that telephone calls have been made to Seabrook Island, Isle of Palms, and the Town of Mount Pleasant to see how they have conducted the back flow testing. Mayor Wert noted that Seabrook Island handles the back flow testing in the same manner the Town is. Kiawah Island Utility has sent letters to property owners about the required test and provided names of qualified plumbers to conduct the test.

Mayor Wert encouraged residents to attend the upcoming Senior PGA Tournament, which will be May 21, 2007 through May 27, 2007. Mayor Wert

noted that some of the greatest players in golf would be present, and that this is a great opportunity for Kiawah Island.

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

Greg Vanderwerker, 510 Ruddy Turnstone Drive, apologized for not participating in the cleanup on April 23, 2007. Mr. VanDerwerker proposed that a set schedule be made for future cleanups. He asked for additional notice to gain the support of additional volunteers.

Wendy Kulick, 38 March Edge Lane, noted that Kiawah Island real estate market was featured on CNBC on a show titled "What a Million Dollars Can Buy You".

Mrs. Kulick suggested that the upcoming public input session schedule for May 14, 2007 at Town Hall for a potential development agreement between the Town of Kiawah Island and the Resort should be changed to the Sandcastle. Mrs. Kulick said that this would accomplish several things. For example, it would allow for a larger number of people to attend the meeting, and it would also provide a way for people who cannot physically attend the meeting to be able to participate in the meeting either by phone or via email.

Mrs. Kulick's last comment pertained to the feasibility study for the Community Performing Arts Center. Mrs. Kulick said that there is erroneous information included in the report. Mrs. Kulick said that the question goes to the following, "How do we get information like Freshfields is located on Kiawah Island, and that the Kiawah Island Planning Commission and Board of Zoning and Appeals will have jurisdiction over anything that goes on there; and that there is a Charleston Symphony Orchestra summer season sited which does not exist. Mrs. Kulick asked how the Town gets this information corrected? Mrs. Kulick said that she hopes that the Town would not pay for the study until the information is corrected. Mrs. Kulick also said that the study included several grammatical and typographical errors. Mrs. Kulick said that if someone other than an employee of the Town, provided the erroneous information to the consultant firm, and then he or she should correct this information. She suggested that the organizations that provided this erroneous information should pay for the study.

### **XIV. Council Members Comments**

Mr. McIver did not have any comments.

Mr. Lipuma asked about the back flow testing that is required every five years by a certified plumber. Mr. Lipuma said that he received notification stating that the test must be completed along with the names of three certified plumbers who could conduct the test. Mr. Lipuma asked if he would receive the additional paperwork from Kiawah Island Utility?

Mayor Wert said that he could not answer questions about the paperwork work from Kiawah Island Utility. Mayor Wert said that this test is required by DHEC and that all private properties with an irrigation system must have the back flow test completed. Mayor Wert said that this became a mandate five years ago; however, DHEC started with the larger municipalities first and have now started working with the smaller municipalities like Kiawah Island to complete this test.

As a result, the letters have been sent to property owners based on their billing cycle and eventually will reach all property owners on the island. Mayor Wert said that the Town is currently working with the Kiawah Island Community Association to see if we can get a reduced rate for property owners for this test. Mayor Wert said that once additional information is gathered an update would be given to the property owners concerning this process.

Mr. Burnaford said that he and Mayor Wert attended a Coastal Conservation League meeting at the Sandcastle on April 30, 2007. During the meeting Mr. Beach, from SCCCL, talked about the area and the changes that are occurring. These changes include I-526 and other issues. Mayor Wert and I commented specifically on fixing the existing roads on Johns Island. Mr. Burnaford stated that the Coastal Conservation League's main emphasis is much broader than just the local roads. Mr. Burnaford encouraged property owners to write letters to there local Charleston County Council members urging them to focus on fixing the roads on Johns Island. Mr. Burnaford said that the letters should address Maybank Highway, River Road, and Bohicket Road. This would encourage the Charleston County Council members to work in conjunction with the City of Charleston Council members to address the issue. Mr. Burnaford noted that as the population continues to grow on Johns Island, the existing roads will not be able to handle the increased traffic. Mr. Burnaford said that a question was posed on whether or not Bohicket Road could be widened. Mr. Burnaford said that Bohicket Road could be widened to four lanes and added that this had been confirmed by the Department of Transportation.

**XV. Executive Session: Legal Matters**

**Mayor Wert moved to adjourn the regularly scheduled meeting at 3:20 PM; motion seconded by Mr. Burnaford, Motion carried unanimously.**

**Mayor Wert moved to go into executive session at 3:25 PM to discuss legal matters; motion seconded by Mr. Burnaford. Motion carried unanimously.**

Mayor Wert noted that no decisions or actions were taken during executive session.

**XVI. Adjournment**

**Mayor Wert moved to come out of executive session at 4:45 PM; motion seconded by Mr. McIver. Motion carried unanimously.**

**Submitted by** \_\_\_\_\_  
Amber Simmons, Town Clerk

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

**Date:** \_\_\_\_\_

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