

**TOWN COUNCIL MEETING
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
May 6, 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: Al Burnaford,
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

V. Approval of Minutes:

A. Town Council Meeting: April 1, 2008

Mr. Orban motioned to approve the April 1, 2008 minutes; Mr. Burnaford seconded the motion. Motion carried unanimously.

B. Town Council Budget Workshop Minutes: April 21, 2008

Mr. McIver motioned to approve the April 21, 2008 budget workshop minutes; Mr. Orban seconded the motion. Motion carried unanimously.

VI. Citizens Presentation:

A. Mr. Charles Smith-Exchange Club

Mr. Smith stated that the Exchange Club of Kiawah-Seabrook would like to place a circle of American Flags at the rotary at Freshfields during holidays. He stated that the Exchange Club would be in charge of flag placement and maintenance. Mayor Wert stated that he appreciated the act of patriotism and gave Mr. Smith permission to go ahead with the flag placements.

B. Al Burnaford/Paul Roberts-Johns Island Roads

Mr. Burnaford introduced Mr. Paul Roberts and explained that he has a well accredited background in transportation projects. Mr. Burnaford stated that Mr. Roberts developed a Johns' Island Roads proposal that stands alone from the I-526 issue. Mr. Burnaford explained that the creation of a "Sea Island Expressway" would not affect the layout of Maybank, Main, or Bohicket Roads, but would effectively lesson the daily traffic burden on those roads. Mr. Burnaford stated that this was neither a Kiawah nor Seabrook Island sanctioned project and urged those in attendance to attend the KICA public presentation of this proposal on May 8, 2008 and May 13, 2008 in order to gather more information. Mr. Burnaford also recommended that the public form a clear opinion on the roads' situation and share their suggestions with County Councilman Paul Thurmond. Mr. Burnaford explained that to date, this proposal had been presented to the Public Works Commission of the Charleston County Council, the Seabrook Island Town Council and the Kiawah Island Town Council.

VII. Old Business:

A. Ordinance Regarding Post-Disaster Debris Removal-Second Reading

Mayor Wert introduced the 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. Burnaford motioned to approve Ordinance 2008-2, Post Disaster Debris Removal. Mr. McIver seconded the motion. Motion carried unanimously.

B. Ordinance Prohibiting Glass on the Beach-Second Reading

This was the second reading of an ordinance prohibiting glass on Kiawah Island beaches for the protection of its visitors and residents. Please note that the final version includes language that specifically allows for glass baby bottles and glass food jars for babies.

Mr. Lipuma motioned to approve Ordinance 2008-1, Prohibiting Glass on the Beach. Mr. Orban seconded the motion. Motion carried unanimously.

VIII. New Business:

A. Recognition of Jo Anne Makely

Mayor Wert presented Mrs. Makely with a mantle clock as a token of the Town's appreciation to her many years of voluntary service on the Kiawah Island Planning Commission. Mrs. Makely resigned as chairwoman of the Planning Commission in 2008.

B. Public Contributions Policy

Mayor Wert discussed the need for a Public Contributions policy due to the high volume of funding request that the Town receives. Mayor Wert stated that he feels the Ways and Means Committee should be the reviewing board and that reviews should be done on a bi-annual basis. Mayor Wert explained that this item required a council vote because it will change the fund location in the Town's budget.

Mr. McIver motioned to approve the Town's Public Contributions Policy. Mr. Orban seconded the motion. Motion carried unanimously.

C. Budget Ordinance Approving the Fiscal Year 2008/2009 Budget-First Reading

Mr. McIver outlined the Town's budget process and explained that there will be a public hearing on the proposed budget on May 19, 2008 at 3:00 PM. Mr. McIver also noted certain line items of interest and stated that the Town is proposing a deficit budget. Mr. McIver explained that funds will be used from the Town's fund balance to cover the spending that is required for the Parkway Project.

Mr. Burnaford motioned to approve the first reading of the Fiscal Year 2008/2009 Budget. Mr. Orban seconded the motion. Motion carried unanimously.

D. Fuel Subsidy Adjustment

Mayor Wert introduced the fuel subsidy adjustment and stated that it will give each Town employee a \$20 per week fuel subsidy payment. This item is a temporary subsidy payment. Mr. Orban stated that he felt that the yearly cost of living adjustment should be enough to cover the increases in energy and he does not want the Town to create a situation of expectation of funds between the employees.

Mr. McIver motioned to approve the fuel subsidy adjustment of \$20.00 a week, per employee, for a period of 3 months. Mr. Burnaford seconded the motion. Motion carried unanimously.

E. Solid Waste Contract Amendment

Mayor Wert stated that the current contract with Fennell Container Co./Suburban Disposal Services is set to expire on June 30, 2008 and that the Town wishes to extend the contract for a term that will expire on June 30, 2011.

Mr. McIver motioned to approve the Solid Waste Contract Amendment with Fennell Container Company/Suburban Disposal Services for a term that will expire on June 30, 2011. Mr. Orban seconded the motion. Motion carried unanimously.

F. 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 there was a public hearing for public comment held on May 6, 2008 at 1:30 PM and there were no public comments.

Mr. Lipuma motioned to approve the first reading of Article 12a Section 303 (2). Mr. McIver seconded the motion. Motion carried unanimously.

G. Design Services

Mayor Wert explained that the current design and surveying contract, with the LPA Group, INC., requires modification. This contract is related to the parkway upgrade and pedestrian bike path design. The Mayor explained that recently the Kiawah Development Partners donated a portion of land adjacent to hole #6 on the Cassique golf course which is in the permitting process for wetland mitigation. The permitting agencies are asking for a complete design before issuing a permit and this surveying and design process will cost \$24,000. (\$100,000 line item for project budgeted). Mayor Wert stated that because the cost is over \$5,000, the item requires Town Council approval before the funds can be used.

Mr. Burnaford motioned to approve the expenditure of \$24,000 to the LPA Group, INC for the purposes of completing services associated with a final project design. Mr. Orban seconded the motion. Motion carried unanimously.

X. Committee Reports:

Environmental Committee

Mr. Lipuma presented the April 1, 2008-May 5, 2008 wildlife report and stated that the raccoon distemper outbreak seems to be leveling off. There have been 80-90 reported

cases of raccoon distemper to date. There have been 8 bobcats collared and two kittens found. The 2008 Bobcats will be added to the Town's website next month. He also stated that the Town's Environmental Sustainability Week, hosted during the week of April 14-18, was a great success. With the help of Town staff along, 12 residents, and Nature Center naturalists, the Town picked up over 540 lbs of trash on Wednesday, April 16 along the Kiawah Island Parkway.

Arts Council

Mr. Lipuma stated that the College of Charleston Chamber Orchestra performed on April 20 and that these musicians are very talented and the maestro was very enthusiastic. On May 1, Dyon Forest performed for a very large audience and was very well received. Mr. Lipuma also discussed the Art's Council's remaining performances and invited all to attend.

Public Safety

Mr. Orban reported that the Public Safety Committee met on April 15, 2008 for their the first quarterly meeting. Lt. Brady reported that there were 84 complaints in March, which is higher than the average number of calls and that he advised people to be more cautious when leaving valuables in their cars with the cars unlocked. He also explained that the Town and KICA had recently painted new directional arrows on the Parkway for more direction for drivers. The St. Johns Fire Department also reported that they have seen an increase in the number of false alarm calls and the Town is working on a way to limit the number of false alarms. The Town has ordered 35 new signs that will educate beachgoers on the new "no glass" ordinance along with the pet lease ordinance. The Town's 20th Anniversary committee is the planning phase for the September event.

Johns' Island Roads

Mr. Burnaford had no comment.

Financial Affairs

Mr. McIver had no comment.

X. Town Administrator's Report

Mrs. Rucker thanked all of the volunteers and Town staff for their help during the Environmental Sustainability week. Work continues with the Town's recycling consultant, Wayman J. Pearson, WJP Inc, and he will be onsite Monday, May 12 and 13. Town Hall has had recent building improvements with the painting of the Council Chambers, lobby, and lobby restrooms. All ceiling tiles in Council Chambers were also replaced and the damaged sheetrock in the lobby was fully repaired. The Town successfully completed an audit of the EJP with the State Budget and Control

Department. This audit reviewed the Town's enrollment procedures and administration of those programs.

XI. Mayor's Report

Mayor Wert stated that KICA is in the process of reviewing their bikepath delineators in order to see how they can modify them in order to make that area safer. He also stated that the Town shredded over 2000 lbs. of citizen waste paper during the Environmental Sustainability Week. Development agreement conversations continue with the Resort. Mayor Wert explained that Town Council has received a letter from the Kiawah Island Nature Conservancy requesting a \$100,000 funding increase that would continue through 2013. Mayor Wert went on to say that it is the sense of the council to continue the funding at \$100,000 and not increase the amount. He also stated that as a mode of operation a Council should not promise funds that have the chance of carrying over into another council's term. The Ocean Course beach parking lot has been surveyed and the original location of the parking lot is 2/3 under water as a result of the renourishment. The Council has a few suggestions and will be meeting with Roger Warren to discuss the matter.

XII. Citizens' Comments/Questions

Diane Lehder, 306 Palm Warbler had made comments on three separate issues:

- 1) Johns' Island Roads-Mrs. Lehder stated that she was surprised to read that members of Town Council and KICA were floating new plans for the Johns Island Road issue. She understands now that that is not in official capacity and that she is delighted to see that there are meetings scheduled so that property owners can get on board.
- 2) New Charitable Contributions Policy-Mrs. Lehder is pleased to see that the Town is formulizing a policy for charitable giving. She would like the property owners have a means to nominate their favorite local charities for contributions.
- 3) Beach Parking- Mrs. Lehder would like to know when residents will be able to actually take there cars down to the parking area to go to the beach.

XIII. Council Members Comments

Mr. Burnaford encouraged all attendees to watch for rumors concerning Johns Island Roads Proposals. He also reminded those in attendance to let the process work by sending County Councilman Paul Thurmond their ideas in order for the County Council to have an informed area representative. Mr. Burnaford also thanked Mr. Paul Roberts for his efforts on the Johns' Island Road proposal.

Mr. McIver stated that he has seen numerous bikers on the parkway including families with baby carriers attached to the back of the bikes. Mr. McIver stated that he is concerned that the Town does not have an effecting way to police this problem and asked

Mr. Orban to have the Public Safety Committee take a look at the situation in order to formulate a proactive way

Mr. Orban stated that he will have the Public Safety Committee review the problem and that he believes the only recourse the Town has is placement of Sheriff's Deputies or code enforcement officers in the area full time. He also stated that he and Mrs. Rucker made a presentation to the Council of Government a few weeks ago regarding the use of sales tax for municipality "green ways" and that the presentation went very well.

Mr. Lipuma stated that he attended the Johns Island Blue Ribbon Commission for Johns' Island Roads.

Mayor Wert announced that councilman Don McIver will be relocating after the 2006-2008 Town Council Term. Mayor Wert stated that this is Mr. McIver's eighth year on the Council and that he and his wife will be missed.

XIV. Executive Session-Legal Matters

Mayor Wert moved at 3:17 PM to have a five minutes recess before convening the executive session.

No votes or actions took place during the executive session.

Executive session was adjourned at 3:45PM.

XV. Adjournment:

The regular meeting was reconvened at 3:46PM and adjourned at 3:47PM.

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

