

**Town Council Meeting  
Kiawah Island Municipal Center  
Council Chambers  
April 7, 2009; 2:00PM**

**MINUTES**

**I. Call to Order:**

Mayor Wert 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:** William G. Wert, Mayor  
Alan L. Burnaford, Mayor Pro Tem  
Charles R. Lipuma  
G. Steven Orban  
Harry M. McHugh

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

**Absent:** Catherine Wilson, Town Clerk

**V. Approval of Minutes:**

**A. Town Council Meeting Minutes of March 3, 2009**

Mr. Orban motioned to approve the minutes of March 3, 2009. Mr. Lipuma seconded the motion. The minutes were approved unanimously.

**VIII. Old Business**

None

**IX. New Business:**

**A. First Reading-Ordinance 2009-4, Kiawah Island Parkway Financing**

An Ordinance authorizing the issuance and sale of a general obligation bond not exceeding \$2,500,000 and a general obligation bond anticipation note not exceeding \$2,500,000. These funds will be used for the costs associated with the Parkway and Bike Path Project.

Mayor Wert stated that Ordinance will authorize, but not guarantee the issuance of such a bond. The Town will determine if it is in the best interest to continue with the bond as the construction date nears.

**Mr. Burnaford motioned to approve the first reading of Ordinance 2009-4. Mr. McHugh seconded the motion. The motion carried unanimously.**

**B. Appointment of SATAX Committee Member**

Mr. Orban stated that Mr. Bill Daniel recently resigned from the ATAX Committee. Mayor Wert and Mr. Orban have selected Mr. Phillip Tumminia, JR to fill Mr. Daniel's open seat on the Committee. His term will expire January 31, 2010.

**Mr. Orban motioned to approve the recommendation of Phillip Tumminia, Jr. for membership on the Town of Kiawah Island State Accommodation's Tax Committee. Mr. Lipuma seconded the motion. The motion carried unanimously.**

**C. ATAX Committee Funding Recommendations**

Mr. Orban stated that the ATAX Committee met March 26, 2009 and made a series of recommendations to Town Council. These recommendations were reviewed by staff and the Ways and Means Committee before final recommendation to Town Council. The Ways and Means Committee recommended the following ATAX allocations:

1. Charleston County Sheriff's Deputies	\$210,000
2. Kiawah Island Parkway	\$60,000
3. Golf Tournament APT	\$0.00
4. American Music Celebration	\$20,000
5. Blues by the Sea	\$20,000
6. Summer Concert Series	\$30,000
7. Charleston Symphony Orchestra	\$25,000
8. Nature Weekend	\$0.00
9. Holiday Events/Sanctuary	\$0.00
10. Sanctuary Annual Special Program	\$50,000
11. Spring and Summer Programming RST	\$80,000
12. Holiday Events/Resort	\$80,000
13. Intercollegiate Golf Tournament	\$0.00
14. 2008 Winter Promotional Events	\$0.00
15. Nature Programs	\$8,000
16. KI Recycling, Resort	\$0.00
17. The Wildside; Guest Pocket Guide	\$20,000
18. Mosquito Abatement	\$10,000
19. Kiawah Island Marathon	\$1,560
20. Charleston Ballet Theatre	\$25,000
21. Cars in the Park 2010	\$0.00

**Mr. Orban motioned to accept the Ways and Means recommendations as listed above. Mr. Burnaford seconded the motion. The motion carried unanimously.**

**D. First Reading-Ordinance 2009-5, Fiscal Year 2009-2010 Budget**

Mr. Orban stated that the budget was developed by staff and reviewed by the Ways and Means Committee. The budget was based on a concept of a 30% reduction of revenues, including business license and ATAX revenues. The Town has attempted to budget conservatively in the hopes that revenues will be higher than projected. The Solid Waste Contract has a built in escalation clause that will be negotiated in the coming weeks. The Community Outreach budget and donations to the Conservancy have been eliminated. All other expenditures were reduced by at least 30%. The Town will host a Public Hearing on May 5<sup>th</sup> at 1:00pm for public comment on the budget.

**Mr. Burnaford motioned to approve the first reading of Ordinance 2009-5. Mr. Orban seconded the motion. The motion carried unanimously.**

**E. Charleston Symphony Orchestra Donation**

Mayor Wert presented Mr. Leo Fishman a check for \$50,000 in support of the Charleston Symphony Orchestra as budgeted in the 2008-2010 Budget.

**F. Awarding of Contract for Mitigation Site**

Mr. Orban stated that the mitigation site for the Parkway Project will be located at the Cassique Golf Course near the 6<sup>th</sup> hole. An RFP for the construction work was published in the Post and Courier and the Town received three qualified and responsive bid packages. Town staff and the Ways and Means Committee reviewed the following bids:

Malpharus Construction	\$75,545.00
The Greenery	\$70,359.00
Three Oaks Construction	\$63,738.45

Mr. Orban stated that all bids were in the range he was expecting. The Ways and Means Committee recommended that the contract be awarded to Three Oaks Construction.

**Mr. Orban motioned to award the Parkway Project mitigation construction contract to Three Oaks Construction in the amount of \$63,738.45. Mr. Burnaford seconded the motion. The motion carried unanimously.**

**G. Beach Parking Lease**

Mayor Wert stated that the Town received a signed Beach Parking Lease from KIGR. The contract is currently under review by KICA. Mr. Lipuma stated that the Town has the Beach Parking Exhibit displayed on Council chambers for public review.

**Mr. Lipuma motioned to defer the Beach Parking Lease until May 5 to allow the Kiawah Island Community Association time for legal review. Mayor Wert seconded the motion. The motion carried unanimously.**

#### **H. Resolution 2009-2- St. Johns Fire District 50<sup>th</sup> Anniversary**

Mayor Wert presented Mr. Tom Kulick, St. Johns Fire District Board Member, and St. Johns Assistant Battalion Chief Carter with a proclamation honoring the St. Johns Fire District's 50 years of service to the Town and neighboring communities.

#### **I. OCRM Public Hearing 40-Year Setback**

Mayor Wert stated that he was greatly impressed with the showing of Kiawah Island residents at the March 6, 2009 SCDHEC/OCRM Public Hearing on 40-Year Setbacks along the Kiawah beach front. He was very proud to have such a great turnout of subjective and informed speakers representing Kiawah Island. OCRM postponed the change to the 40-Year Setback line for Kiawah to allow OCRM time to consider all of the public's comments and professional reports given during the hearing.

#### **X. Committee Reports:**

##### **Arts Council**

The March events were: Beethoven, Barcino Baroque, CSO and Barbara Kilduff, and the College of Charleston Chamber Orchestra. All were very well attended. Mr. Lipuma stated the CSO event had a "full house" and Barbara Kilduff received three standing ovations. April events include both Mary Whyte and the Piccolo Preview. Planning for next season is well underway and includes new events such as a piano bar, Brazilian trio, and a masked pantomime.

Mayor Wert noted that the Arts Council's budget was also reduced by 30%.

Mr. Orban applauded the work of the Arts Council and stated that the CSO and Barbara Kilduff performance was outstanding.

##### **Environmental Committee**

Mr. McHugh stated that on July 1, 2009 the Town will begin an island-wide recycling program. He thanked Mrs. Rucker and Mr. Lameo for their efforts on this matter. KIGR won the Outstanding Business or Industry Award for Recycling from the Carolina Recycling Association, which is both for North and South Carolina.

Mysterious alligator deaths have taken place around the ponds near the second firehouse. Thirteen alligators have died in that area since 2006. The alligators seem to be poisoned but autopsies have not been performed due to the state of the animal's carcass upon discovery.

Ten bobcats have been collared; seven male and three female. The beach compaction study was completed and compaction rates are normal on the island. April 23 is the Bobcat Ball and April 10 is an Audubon Society Sponsored bird watch at Cougar Golf Course.

### **Johns Island Roads**

Mr. Burnaford stated that he and Mr. Paul Roberts have continued to meet with groups to explain where the Town and Seabrook stand in regards to the roads issue. They have discussed a general concept for a Johns Island Greenway that stretches from the Stono Bridge to Betsy Kerrison Parkway. The greenway approach would make the roadway more “park like” allowing for a bike path and the roads to expand into four lanes. They met with Carolina One Real Estate Group and had a great turnout where members expressed great interest in the Johns Island area. Mr. Roberts has put a lot of great work into this project and the City and County officials respect that and view him as a professional.

### **James Island Council**

Mr. Burnaford stated that the James Island Council is scheduled to vote on the 526 extension and that some groups have questions over the legality of the vote and how State DOT’s officials will receive it. Some groups are against the extension because of the affect on the James Island County Park and increased pollution on James Island.

### **Johns Island Council**

Mr. Burnaford stated that the Johns Island Council is unofficial and unelected and that interest for the roads issue seems to be dwindling at the meetings.

## **XI. Town Administrator’s Report**

Mrs. Rucker stated that recycling program is slated to begin July 1 and several commercial entities will join the program. Staff has scheduled meetings with the current solid waste hauler for the end of April to discuss changes to the existing contract that will take into consideration the increased number of customers and the frequency of collections. Town hall and public information meetings will take place in May and June; educating residents on the recycling and solid waste programs. The Town has been actively seeking grant funding and most recently applied for a SCDOT grant for stimulus funding for the Parkway Project. The Town received notice from Palmetto Pride that they were successful for the Tree Grant. Thirty Dogwood trees were received and will be planted along Beachwalker Drive. The Town received notice that the FY 2008-2009 Budget was awarded the distinguished presentation award from the Government Finance Officers Association. Mrs. Rucker commended finance staff on their efforts.

The Town does not anticipate an increase on the current contract with Suburban Disposal due to the current CPI rate.

Mrs. Rucker and Mr. Joe Bunting, KICA, have begun meeting regularly to facilitate communication between the entities.

## **XII. Mayor’s Report**

Mayor Wert stated that budget deliberations take a lot of work and that disagreements often arise but in the end, they have agreed to a negotiated budget. He congratulated Mrs. Rucker’s Liberty Fellowship Application and stated that it has been forwarded to the finalist group for results in July 2009. Mayor Wert commented on an article he read that

discussed ways to increase recycling in communities featured placing wheels on the recycling bins. He said that six years ago, ahead of the pack, Mr. Orban recommended this idea and the Town has offered the service since that time.

**XIII. Citizen's Comments/Questions:**

**Tom Kulick, 38 Marsh Edge Lane**

Mr. Kulick thanked Town Council for the Resolution recognizing the St. Johns Fire Department. He stated that the Monthly Fire District Meeting will take place at Town Hall on April 13, at 7:00pm.

**XIV. Council Members Comments**

**Mr. Lipuma**

Mr. Lipuma stated that the OCRM meeting was a stunning repudiation of OCRM's caste to change the base setback lines.

**Mr. Burnaford**

Mr. Burnaford stated that he wants people to understand the arbitrary decision making process of OCRM regarding the 40-Year setbacks and baselines. He stated that consequences for property placed behind or between the lines needs to be discussed. If a vacant lot is located behind the line, a maximum structure of 5,000 square feet can be built only with OCRM's permission. He stated that OCRM is not obligated to give permission to build or rebuild. He also stated that at the hearing, OCRM notified those in attendance that a decision would be made the next morning and that setback lines for all entities, except for Kiawah, went into effect the very next morning. He explained that this is an outrageous way to make decisions and that people should know about it.

**Mr. McHugh**

No Comment.

**Mr. Orban**

No Comment.

**XVI. Executive Session-Personnel Matters**

**Mayor Wert motioned to enter into executive session at 2:41pm. Mr. Orban seconded the motion. The motion carried unanimously.**

**No votes or actions were taken during executive session.**

**XVII. Adjournment:**

**Mayor Wert motioned to enter into open session at 3:16pm. Mr. Lipuma seconded the motion. The motion carried unanimously.**

**Mr. Lipuma motioned to adjourn the meeting at 3:17pm. Mr. Orban seconded the motion. The motion carried unanimously.**

**Submitted by,**

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**Catherine C. Wilson, Town Clerk**

**Approved by,**

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**William G. Wert, Mayor**

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**Date**