

**TOWN COUNCIL MEETING  
KIAWAH ISLAND MUNICIPAL CENTER  
COUNCIL CHAMBERS  
AUGUST 27, 2008; 2:00PM**

**MINUTES**

**I. Call to Order:**

**Mayor Wert called the meeting to order at 2:00pm.**

**II. 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.

**III. Roll Call:**

**Present: Mayor Wert  
Al Burnaford  
Charles Lipuma  
Steve Orban**

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

**Absent: Catherine Wilson, Town Clerk**

**IV. Executive Session-Legal Matters:**

**Mayor Wert motioned to go into executive session to discuss legal matters pertaining to language in the 2005 Development Agreement related to the development of Captain Sam's Spit. Mr. Orban seconded the motion. Motion carried unanimously.**

Members of the audience were asked to leave Council Chambers for the Executive Session.

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

**V. HR 6389:**

**Mr. Orban motioned to go into open session at 2:20pm. Mr. Burnaford seconded the motion. Motion carried unanimously.**

Members of the audience were invited back to Council Chambers at 2:20 pm for the meeting.

Mayor Wert stated that he called the meeting due to recent discussion on HR Bill 6389.

**Mayor Wert's letter to Congressman Brown on behalf of the Town supporting HR 6389.**

Mayor Wert stated that the Town did not originally request legislation. The Mayor also believes he acted with the proper authority to send the letter and had the support of the Town Attorney.

Mayor Wert explained that he sends many letters on behalf of the Town and copies the Council on external letters. He stated that this time he missed copying Council and apologized for it. He stated that it was an act of omission, not commission, with no malicious intent. He apologized if it embarrassed members of Council who heard of the letter from other sources. Mayor Wert explained that it has never been his intent to embarrass anyone on this Council, and believes that his action over the past years would support this. Mayor Wert stated that he interpreted the wording in the 2005 Development Agreement as the Town's obligation to support the legislation and that further review leaves this obligation undefined. Mayor Wert ended by stating that if he had to do it again, he would ask the Town Attorney for his interpretation first.

Mr. Rhoad referred to the Development Agreement section 16F pages 21-22 in regards to the Town's support of HR 6389 and letter of May 13, 2008.

**Mayor Wert motioned for authorization to testify to the United States Congressional Subcommittee on Fisheries, Wildlife and Oceans hearing on September 10, 2008 in favor of HR 6389, legislation to modify Captain Sam's Inlet Unit M08 of the John H. Chafee Coastal Barrier Resources System in Charleston County, South Carolina and to revise the System map relating to the unit. Mr. Burnaford seconded the motion.**

Mayor Wert stated that HR 6389 is not a bill to allow development but to allow federal flood insurance. Mayor Wert explained that he felt this is a bill of fairness. He stated that he pays a fee for federal flood insurance up to \$250,000 and it is his view that future homeowners on Captain Spit should have the same right to federal insurance.

**The Motion was split 2-2, with Mr. Orban and Mr. Lipuma voting against the motion. Mayor Wert will not attend the September 10, 2008 Congressional Hearing in support of HR 6389.**

**Mr. Burnaford motioned to determine if the Town continues to support Bill 6389. The motion received no second.**

Mr. Lipuma commented that he did not see a need for the motion.

**VI. Adjournment:**

**Mr. Lipuma motioned to adjourn the meeting at 2:40PM. Mr. Orban seconded the motion. Motion carried unanimously.**

**Submitted by,**

---

**Catherine Wilson, Town Clerk**

**Approved by,**

---

**William G. Wert, Mayor**

---

**Date**