

**TOWN COUNCIL MEETING
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
DECEMBER 1, 2009; 2:00PM**

MINUTES

- I. Call to Order:**
- II. Pledge of Allegiance:**
- III. FOIA:** Notice of this meeting was 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
Charles R. Lipuma
G. Steven Orban
Harry M. McHugh
- Also Present:** Dennis Rhoad, Town Attorney
Catherine Wilson, Town Clerk
- Absent:** Alan L. Burnaford, Mayor Pro Tem
Tumiko Rucker, Town Administrator
- V. Approval of Minutes:**
- A. Ordinance 2009-10 Public Hearing Minutes for November 3, 2009**
Mr. Lipuma motioned to approve the minutes of the November 3, 2009 Public Hearing. Mr. Orban seconded the motion. The motion carried unanimously.
- B. Town Council Meeting Minutes for November 3, 2009**
Mr. Lipuma motioned to approve the Town Council meeting minutes for November 3, 2009. Mr. McHugh seconded the motion. Mr. Lipuma corrected the spelling of “Barcino” under New Business, Item A “Arts Council Service Award.” With that change, the minutes were approved unanimously.
- VI. Old Business:**
- None

VII. New Business:

A. Arts Council Service Award

Mr. Lipuma presented Mrs. Lenni Freeburg with a plaque of recognition for her service on the Arts Council. Mrs. Freeburg served on the Arts Council from its incorporation in 2004 and is the second charter member to retire at the end of the 2009 season. Mrs. Freeburg will be moving from Kiawah in 2010. She managed the Jackson Pollock film showing, the Bill Jameson painting demonstration, Mary White Creativity Lecture, the Rick Reinhart painting demonstration, and the "Women in Art" series. Mr. Lipuma stated that Mrs. Freeburg is a very talented painter in her own right and that her beachscapes are exquisite. Mr. Lipuma stated that the Arts Council will miss Mrs. Freeburg and that she will have tickets to all future Arts' Council performances.

Mrs. Freeburg thanked Town Council and Mayor Wert, along with former Councilman Leo Fishman, who she stated that, "With their creativity and foresight established the Arts Council on Kiawah Island." She stated that Mr. Lipuma has been an incredible chairman and navigator of the Arts Council and has "kept them inline and on budget." She thanked all of the Town Council Members for their continuing support for the Arts Council. She stated that she has even heard people say they enjoy the Arts Council programming so much that they have decided not to sell their homes on Kiawah.

B. First Reading-Ordinance 2009-11, Business License Ordinance Amendment

Mayor Wert explained that the purpose of Ordinance 2009-11 is to amend the Business License Rate Table in Section 4-323 of the Municipal Code. He explained that the rates were first taken into consideration when the Town approved the 2009-2010 Budget. The Public Hearing for this Ordinance will take place on January 5, 2010 at 1:45pm.

Mr. Orban motioned to approve the first reading of Ordinance 2009-11. Mr. Lipuma seconded the motion. The motion carried unanimously.

C. Island Beach Service Franchise Agreement Amendment

Mayor Wert stated that this is to extend the current Island Beach Service Beach franchise agreement which is set to expire on December 31, 2009. The current agreement allows for one year extensions. The Ways and Means Committee reviewed the amendment and unanimously recommended extending the contract for one year.

Mr. Lipuma motioned to extend the Island Beach Service Franchise Agreement through January 31, 2010. Mr. McHugh seconded the motion. The motion carried unanimously.

D. Coastal Hydropower Contract Amendment

Mayor Wert stated that this contract is for the exterior cleaning and power washing of the Municipal Center building. The Ways and Means Committee reviewed and approved the annual extension agreement through December 31, 2010 at a price of \$6,890.06 per year. This item was presented for information only and did not require Town Council action.

E. VC3 Contract Amendment

Mayor Wert stated that the Ways and Means Committee tabled this item for more information. No Town Council action was taken.

F. Shutter Maintenance Contract

Mayor Wert explained that the Town previously had a shutter maintenance agreement with WeatherGuard but that company went out of business. The Town determined that Shutter Service and Sales, LLC could repair and maintain the shutters on the Municipal Building and spent \$4,057 to repair the shutter system to proper working order in 2009. To minimize the future costs while insuring the shutters are in proper working order, Town Staff suggested a formal agreement for shutter maintenance with Shutter Service and Sales, LLC for an annual price of \$2,800. Mayor Wert stated that the Ways and Means Committee reviewed and approved the agreement with Shutter Service and Sales. This item was presented for information only and did not require Town Council action.

G. Town Attorney – Annual Cost of Living Review

Mayor Wert stated that he met with the Town Attorney and stated that the Town will extend the contract with Dennis Rhoad to provide the services of Town Attorney but there will be no cost of living increase for the 2010 year.

H. Municipal Judge Appointment

Mayor Wert motioned to reappoint C. Gregory Brown as the Town of Kiawah Island Municipal Court Judge for a term of three years. Mr. McHugh seconded the motion.

Mayor Wert noted that the term will expire on January 31, 2013.

Mr. Orban stated that Judge Brown has done a very good job over the past six years and there have been very few complaints about the job he does.

Mayor Wert called for a vote on the motion and the motion carried unanimously.

I. BZA Appointment

Mayor Wert stated that Mrs. Carol Fishman has decided to retire from the BZA after 11 years of service to the Town. Mayor Wert stated that Mr. Ron Ritchie, BZA Chair, has presented the name of Ron Hacker to fill the seat of Mrs. Fishman. Mr. Hacker's term will begin January 1, 2010 and expire January 31, 2013.

Mayor Wert motioned to appoint Mr. Ron Hacker to the Board of Zoning Appeals for a term beginning January 1, 2010 and expiring January 31, 2013. Mr. Lipuma seconded the motion. The motion carried unanimously.

J. Approval of 2010 Town Council and Committee Meeting Schedules
Mayor Wert motioned to approve the Town Council and Committee Meeting dates as presented. Mr. Orban seconded the motion.

Mr. Orban stated that a revised copy of the Ways and Means Schedule was presented deleting the December 28, 2010 meeting date.

Mayor Wert called for a vote and the motion carried unanimously.

K. Approval of 2010 Observed Town Holidays

Mayor Wert motioned to approve the 2010 Observed Town Holidays as presented. Mr. McHugh seconded the motion. The motion carried unanimously.

L. Personnel Matters

Mayor Wert motioned to approve the raises as discussed during the November 3, 2009 Executive Session. Mr. Orban seconded the motion. The motion carried unanimously.

VIII. Committee Reports

Arts Council

Mr. Lipuma stated that the CSO's *Concert on the Green* was held on November 7 in conjunction with the CSO house tour and had standing room only. *The Tragedian* was held on November 12 and was an "outstanding one man performance." The next event will take place on December 3 and will feature the CSO Holiday Concert Strings with Yurie Becker. Mr. Lipuma stated that there is a full slate of Arts Council events in January and February of 2010.

Kiawah Island Parkway

Mr. Orban stated that there were several horses on the bike path within the past few weeks and that it was never an intention of Council to allow horses on the pedestrian and bike path. Mr. Orban stated that the Town is well into

the landscaping portion of the project and beginning the installation of vehicular guardrails on the sharp curves. He is hopeful the project will be completed around Christmas time or the New Year. Traffic signage and pavement markings will be installed by the New Year. Rumble strips will be placed along the exterior white lines for an added safety feature. Temperatures must be at least 55 degrees to install the strips. Mr. Orban asked for all to be a little patient and reminded that the project is in the finalization stages.

Mr. McHugh asked if the landscaping plan called for the removal of any of the dead trees viewable from the Parkway. Mr. Orban asked if Mr. McHugh was referring to the dead trees that are opposite the Cassique entrance. Mr. McHugh responded yes that he was referring to the trees that are just a bit further from Cassique. Mr. Orban stated that those trees were killed from salt water intrusion. Mr. Orban stated that the plan does not reach further than the Town's right-of-way and he believes those trees are on either Resort or KRA property. Mayor Wert stated that the Town's right-of-way extends 50 feet on either side of the center line and those trees are not on Town property. Mr. McHugh asked Mr. Orban if the Town has requested the removal of those trees. Mr. Orban responded that the Town has requested removal of the dead trees in the past.

Environmental Committee

Mr. McHugh stated that the Committee is nudging the trash and recycling program along. The HOA properties are currently participating and the condominiums/regimes have selected their recycling method. The Oversight Committee is in place and monitoring the transition, service, and cost of the new program. Mr. McHugh stated that the Oversight Committee is in need of a single-family home representative.

IX. Town Administrator's Report

In the absence of Mrs. Rucker, Ms. Wilson, Town Clerk, stated that she had no official report but wished all a safe and happy holiday season.

X. Mayor's Report

Mayor Wert stated that on December 7, a charette will be held at the Johns' Island Library which will facilitate open for discussion on the greenway at the Johns Island Library.

Mayor Wert stated that, on a personal note, he wants all to think about those less fortunate during the holidays. He stated that charitable giving is down this year and encouraged those in attendance to "open up your hearts and wallets to those in need." He stated that there are school systems hurting, and folks within five miles of the meeting that could really use a helping hand.

XI. Citizen's Comments

A. Rosalyn Wallman, 4377 Windswept

Re: Pet Restraint Ordinance

Mrs. Wallman expressed concern over the Pet Leash Ordinance Section 16-503. She explained that they were uninformed that the new ordinance required dog leashing and had their dog off leash on the beach. She stated that beach patrol informed her that the dog must be on a leash unless in a designated area. She explained that the dog is gentle and obedient and she hates that persons with obedient dogs are being punished by the new regulations.

XII. Councilman Comments

None

XIII. Adjournment

Mr. Lipuma motioned to adjourn the meeting at 3:38pm. Mr. Orban seconded the motion. The motion carried unanimously.

Submitted by,

Catherine Wilson, Town Clerk

Approved by,

William G. Wert, Mayor

Date