

**Town Council Meeting
Kiawah Island Municipal Center
December 2, 2008; 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

Also Present: Tumiko Rucker, Town Administrator
Dennis Rhoad, Town Attorney
Catherine Wilson, Town Clerk

V. Approval of Minutes:

A. Town Council Meeting: November 4, 2008

Mr. Burnaford motioned to approve the minutes of November 4, 2008. Mr. Orban seconded the motion. Mr. Lipuma made not substantive changes to the minutes. With those changes the minutes were approved unanimously.

VI. Citizen's Presentation

A. GFOA Certificate of Achievement for Excellence in Financial Reporting

B. GFOA Popular Annual Financial Report Award for Outstanding Achievements

Mrs. Rucker stated that the Town had been awarded both the GFO Certificate of Achievement for Excellence in Financial Reporting and the GFOA Popular Annual Financial Report Award for Outstanding Achievements. Mrs. Rucker stated that it should be noted that the Town's Financial Department, Ken Gunnells and Stacey Truesdale, did an outstanding job in assuring a great audit and producing an award winning Comprehensive Annual Financial Report and Popular Annual Financial Report for the budget year ending June 30, 2008.

Mayor Wert noted that the Citizen's Presentation section is meant for citizens with slide shows or presentations of awards. Citizen's have time for comment and questions during the Citizens Comment and Questions time.

VII. Old Business

None

VIII. New Business:

A. Approval of 2009 Town Council and Committee Meeting Schedules

Mayor Wert stated that all yearly Town meeting schedules are published in January of each year.

Mr. Lipuma motioned to approve the Town Council and Committee Meeting Schedules as presented. Mr. Orban seconded the motion.

Mr. Orban stated that the Town Council meeting date of December 1, 2009 is very close to the Thanksgiving holiday and suggested moving it to the following Tuesday. Mayor Wert stated when changes are made other meetings are impacted and suggested that the meeting date be approved as submitted.

After discussion, the motion carried unanimously.

B. Cost of Living Adjustments

Mayor Wert stated that the CPI numbers make an argument for up to a 4% Cost of Living Adjustment (COLA) per employee. However, the Ways and Means Committee recommended a 2% COLA per Town Employee due to the current economic climate.

Mayor Wert motioned to approve a 2% Cost of Living Adjustment per employee beginning on January 1, 2009. Mr. Burnaford seconded the motion.

Mr. Lipuma asked if the employee gasoline subsidy had been rescinded. Mayor Wert stated that the Agenda should have included the Employee Gas Subsidy as an item.

The motion carried unanimously.

Mayor Wert motioned without objection to add item C, Employee Gas Subsidy, to the Agenda as New Business.

C. Employee Gas Subsidy

Mayor Wert explained that the Ways and Means Committee had recommended to Town Council to cease the Employee Gas Subsidy of \$20 per week per employee as of January 1, 2008.

Mayor Wert motioned to cease the Employee Gas Subsidy of \$20 per week, per employee effective January 1, 2008. Mr. Burnaford seconded the motion. The motion carried unanimously.

D. Employee Insurance Study

Mayor Wert stated that the Town Currently reviews employee health insurance subsidies annually and currently provides a \$140 per employee only subsidy. Mayor Wert stated that the Ways and Means Committee recommended approving up to a \$150 health insurance subsidy for employees to become effective January 1, 2009.

Mayor Wert motioned to approve the recommended \$150.00 health insurance subsidy for employees, not to exceed the monthly employee only health premium to become effective January 1, 2009. Mr. Burnaford seconded the motion. The motion carried unanimously.

E. Authorization to Expend Funds for the Proposed Garage Expansion

Mayor Wert stated that the Ways and Means Committee voted to recommend to Council the deferment of expending funds for the proposed garage expansion.

Mayor Wert motioned to approve the expenditure of funds for the proposed garage expansion. The motion did not receive a second and failed.

F. Coastal Hydropower Contract Renewal

Mrs. Rucker stated that the Town currently has a contract with Coastal Hydropower for exterior cleaning of the Municipal Center building. This contract is set to expire December 31, 2008 and allows for an additional one year term.

Mr. Burnaford motioned to approve a one year contract extension with Coastal Hydropower, INC to expire on December 31, 2009. Mr. Orban seconded the motion. The motion carried unanimously.

Mr. Lipuma stated that from time to time the entrance wall of the building develops green mold and that he would suggest a more regular cleaning of the area. Mrs. Rucker stated that she will work with the contractor to schedule.

G. Beach Franchise Agreement

Mrs. Rucker stated that the Town currently has two beach franchise agreements; one with KIGR and one with Island Beach Services. Mrs. Rucker stated that the Town received letters of interest from two additional firms regarding the Beach Franchise agreement. The agreement with Island Beach Services originally expired October 31, 2008 and was extended through December 31, 2008 to allow time to develop and publish an RFP. Mrs. Rucker stated that staff prepared an RFP for the Beach Franchise Agreement and published it via the Post and Courier and mailing directly to the firms that previously expressed interest in the service. Mrs. Rucker stated that the Ways and Means Committee reviewed three proposals and evaluated each on professional experience, technical ability, references, and reasonableness of price. Mrs. Rucker stated that the Kiawah Island Golf

Resort received a total of 88 points; Island Beach Services received 100 points; and Charleston Beach Chair Company received a total of 85 points. Mrs. Rucker stated that the proposed franchise fee that will be payable to the Town was also considered during the evaluation. The following Franchise Fees were offered: \$35K per year fixed; Island Beach Services the greater of 8.5% or \$50K, and; Charleston Beach Chair the greater of 7% or \$32K per year. Mrs. Rucker explained that optional following optional services were also considered: Food and Beverage and the rental of Kayaks and other recreational equipment. KIGR offered both services. Island Beach Services and Charleston Chair offered only one of the two optional services. Mrs. Rucker stated that the Ways and Means Committee recommended the awarding of the Beach Franchise agreement to Island Beach Service, Inc. Mayor Wert noted that minimum the Town would receive from Island Beach Services is \$50,000 per year and this is the highest franchise amount offered.

Mr. Burnaford motioned to award the Beach Franchise Agreement to Island Beach Service, INC to begin January 1, 2009. Mr. Orban seconded the motion. The motion carried unanimously.

H. Solid Waste Consultant

Mayor Wert stated that the Ways and Means Committee asked staff to receive consultant pricing before Town Council awards expenditures. Mayor Wert stated this item will be deferred to allow staff the time to publish RFP's and gather pricing information on solid waste consultants.

IX. Mayor Wert motioned without objection to hear citizen comments before committee reports.

X. Citizen's Comments/Questions:

A. John C. Olson, Jr, 4985 Green Dolphin Way

Mr. Olson stated that he is requesting funding publicly for the first time in his life. Mr. Olson stated that he is doing this on behalf of the Johns Island High School group that has been planning a trip to Washington, D.C. in order to witness the Presidential Inauguration. Mr. Olson stated that he is giving advance notice to Council on his application to the Town's Charitable Contribution Fund for \$5,000. Mr. Olson stated that St. Johns High School is a 501 (B) (3) entity. He asked the Committee members to view the inauguration as something that can never be replicated and therefore it will not set a precedent for future funding requests. Mr. Olson thanked the Council for their advanced consideration of this item.

Robert Wilkes, Charleston Beach Chair Company, 700 Daniel Ellis Drive, Charleston, SC

Mr. Wilkes asked numerous questions relating to the advertised request for proposals for the beach franchise. Mayor Wert clarified that this is not a question and answer session, but that answers will be answered in a timely manner, in order for staff to research the

answer and provide citizens with a proper response. Mayor Wert directed Wilkes to state his concerns in writing and forward them to the Town.

Mayor Wert suggested that Mr. Wilkes put these questions in writing to the Town Administrator, copying the Treasurer and himself. Mayor Wert asked Mr. Wilkes to state his challenges, if he is doing so, along with the reasons, and why he would like the bid overturned. Mayor Wert stated that the Town will have its attorney review the letters and respond. Mayor Wert asked that Mr. Wilkes respond in writing within 72 hours in order to allow time for review and any changes before the contract commences on January 1, 2009. Mayor Wert also asked Mr. Wilkes to respond in writing if he decided not to challenge.

XI. Committee Reports:

Beach Parking

Mr. Lipuma stated that KIGR's attorney advised Mr. Roger Warren that the Resort is under a contractual obligation to provide 30 beach parking spaces. A letter of proposal has been drafted for Mr. Bill Goodwin's approval and the Town should receive further information within the month. Once the information is received, it will be reviewed by the Town's attorney.

Environmental Committee

Mr. Lipuma stated that there were no wildlife calls between the last meeting and today. Mr. Lipuma stated that annual rainfall is currently 10% below normal even though during the months of October and November rainfall was 127% above normal for those months.

Arts Council

Mr. Lipuma stated that the Arts Council has two events coming up in December: The Child's Christmas in Wales, Sunday, December 7 and the Holiday Brass, December 12.

Public Safety

Mr. Orban had no report.

Financial

Mr. Orban had no report.

Johns Island Roads

Mr. Burnaford stated that Mr. Paul Thurmond, County Council, had put together a group of Mayors to discuss the road's issues and that they will meet December 17, 2008. The Mayors will be able to bring a professional of their choice to the meeting. Mr. Burnaford stated that he will attend a Johns Island Council meeting and a CTC meeting for further information on the roads.

XII. Town Administrator's Report

Mrs. Rucker stated that during 2008, Town Staff made several accomplishments by seeking additional training that furthers both individual professionalism and that of the

Town. The Town also made tremendous strides in disaster preparation by contracting with debris removal and debris monitoring companies. Mrs. Rucker stated that in 2009 Town staff will actively search for a proper debris burn location in an emergency clean-up situation.

XIII. Mayor's Report

Mayor Wert urged residence of Kiawah to vote in the Municipal Election today at the Fire Station until 7:00PM.

Mayor Wert stated that beached scalloping trawler was removed on November 26, 2008 by a joint effort of the US Coast Guard, SCDHEC, Carolina Salvage, and the Town. No damage was done; neither damage to the boat or the beach.

Mayor Wert stated that the Town will have a County Building Inspector inspect the Old Inn for health and safety issues. Mayor Wert stated that in the past, any issues with the Resort have been immediately corrected. Mayor Wert stated that the Town will notify the Resort when the inspector will be coming, but believes it should be within the next 2-3 days.

Mayor Wert stated that December 8, 2008 the Sanctuary will host a Christmas tree lighting to kick-off the holiday season on Kiawah. Mayor Wert wished everyone a happy holiday and a very safe New Year's.

Questions Answered from Last Meeting

Question: How much does it cost the Town to have an election in December?

Answer: Mayor Wert stated that it costs the Town less than \$1,000 to have an election in December. This total includes training, cost of food for workers, and pay to poll workers.

Question: Why is the election in December and not November?

Answer: Mayor Wert stated that the founding fathers of the Town of Kiawah Island wanted to have a separate election in December so that the issues significant to the Town were not lost under the spotlight of the National Election. Mayor Wert also stated that a change of election date would require a change in terms for the current elected council and because the State of South Carolina is under the control of the US Justice Department, the Town would first have to have the SC General Assembly change the term of election and the move the item to the Federal agency. Mayor Wert stated that it is for the above reasons that Council has decided not to change the thought of the forefathers and leave the election in December.

Question: Who will represent Johns Island and Wadamalaw in the Mayors Meeting concerning the Johns Island Roads?

Answer: Mayor Wert stated that the scope of the meeting has been changed nearly 4-5 times since it was first proposed and there will now be a meeting December 17 in the County Chambers dealing specifically with a Cross Island Expressway. Mayors Riley, McNulty, Summy, and himself will attend and can each bring an expert. Mr. Thurmond and Mr. Rawl will also be in attendance. Mayor Wert stated that Mr. Paul Thurmond and Mr. Inabinett represent those districts and should represent their issues. Mayor Wert stated that this is an organizational meeting and no decisions will be made.

Mayor Wert also stated that the Town will have a County Health Inspector inspect the Old Inn for health and safety issues. Mayor Wert stated that in the past, any issues with the Resort have been immediately corrected. Mayor Wert stated that the Town will notify the Resort when the inspector will be coming, but believes it should be within the next 2-3 days.

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XIV. Council Members Comments

Mr. Burnaford

Mr. Burnaford wished everyone season's greetings. Mr. Burnaford stated that there was a specific question last month asking if Rockville will have a representative at the Mayor Meeting. Mr. Burnaford stated that he still does not know an answer to that question. Mr. Burnaford ended by asking residents to vote and wishing everyone a safe holiday season.

Mr. Orban

Mr. Orban asked Mayor Wert who is orchestrating the Mayor Meeting on the roads.

Mayor Wert stated that Mr. Paul Thurmand is in charge of organizing the meetings. Mayor Wert stated that initially County Council was looking at establishing a committee of nine members and that did not get County approval. Paul Thurmond has now called this meeting and it is an organizational meeting to result in some idea of where to go from here.

Mr. Orban wished Merry Christmas and Happy New Year to all.

Mr. Lipuma

Mr. Lipuma stated, "Joyeux Noel, Feliz Navidad and Merry Christmas to all and to all have a good day".

XV. Executive Session:

Mayor Wert motioned to go into executive session to discuss personnel matters. Mr. Orban seconded the motion. The motion carried unanimously.

No votes or actions were taken during executive session.

Executive session ended at 3:30pm.

XVI. Adjournment:

The meeting ended at 3:30 pm.

Submitted by,

Catherine C. Wilson, Town Clerk

Approved by,

William G. Wert, Mayor

Date