

**Town Council Meeting
Kiawah Island Municipal Center
Council Chambers
February 2, 2010; 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
Catherine Wilson, Town Clerk
- V. Approval of Minutes:**
A. Town Council Minutes for January 5, 2010

Mr. Lipuma motioned to approve the Minutes of January 5, 2010. Mr. Orban seconded the motion. The motion carried unanimously.

B. Ordinance 2009-11-Public Hearing Minutes for January 5, 2010

Mr. Orban motioned to approve the minutes of the January 5, 2010 Public Hearing. Mr. Burnaford seconded the motion. The motion carried unanimously.
- VI. Old Business:**
A. Second Reading-Ordinance 2010-1, Roundabout Annexation
Mayor Wert stated that this is an ordinance to provide for the annexation for the area commonly known as the realigned portion of the Kiawah Island Parkway and the Roundabout in Charleston County, but owned entirely, and maintained by the Town of Kiawah Island, into the Town of Kiawah Island. The first reading passed during the January 5, 2010 Town Council Meeting.

Mr. Lipuma motioned to approve the second reading of Ordinance 2010-1, Roundabout Annexation. Mr. Burnaford seconded the motion. The motion carried unanimously.

VII. New Business:

A. Boy Scouts of America Proclamation

Mayor Wert stated that the Boy Scouts of America celebrates its centennial on February 8, 2010. He also stated that The Boy Scouts of America have provided a program of character development, physical fitness, and mental awareness to over 111 million youth of the United States in the past 100 years.

Mayor Wert proclaimed February 8, 2010 as Boy Scouts of America Day.

B. First Reading-Ordinance 2010-2, Amendments to Article 12A-303-C

Mrs. Rucker stated that this item has been referred from the Planning Commission to Town Council. The Planning Commission recommended changes to Chapter 12D (Fence Definition) and Chapter 12A-303-C.

Mr. Rhoad explained that an issue arose over the inclusion of finials in the measurement of fence height during a BZA meeting. Mayor Wert stated that the applicant posed the question of “hedgerows” being defined as a fence but allowed to exceed the maximum height of 5 feet for fences. The Planning Commission was sent the task of reviewing Chapter 12D and Chapter 12A-303-C for clarity on the definition and height of a “fence.” Ordinance 2010-2 incorporates the Planning Commission’s recommendations.

Mr. Lipuma motioned to approve the first reading of Ordinance 2010-2. Mr. Orban seconded the motion. The motion carried unanimously.

Mayor Wert stated that a Public Hearing will be held at 1:45pm on March 2, 2010. Mayor Wert asked that this hearing be advertised.

C. SATAX Committee Appointments

Mayor Wert stated that SATAX Appointments are for a term of one year and appointed by Town Council.

Mayor Wert motioned to appoint the following members to the SATAX Committee:

Hospitality Industry Representatives:

- 1) Roger Warren, President, Kiawah Island Golf Resort**
- 2) Gail Vandall, Beachwalker Rentals**
- 3) Pam Harrington, Harrington Exclusives**
- 4) Phillip Tumminia, Resortquest**

Cultural Interest Representative:

- 1) **Bill Blizzard, Kiawah Arts Council**

At-Large Representatives:

- 1) **Diana Permar, Property Owner, Chairperson**
- 2) **Armand Glassman, Property Owner**

Mr. Burnaford seconded the motion. The motion carried unanimously.

D. FY 2010-2011 Budget Calendar

Mayor Wert noted that the FY 2010-2011 Budget will be approved before July 2010 and that a Budget Public Hearing will be held on May 4th at 1:30pm.

Mr. Burnaford motioned to approve the FY 2010-2011 Budget Calendar.

Mr. Lipuma seconded the motion. The motion carried unanimously.

E. Kiawah Island Parkway Maintenance

Mr. Orban stated that the bike path was opened on January 22, 2010 and he hopes that everyone is enjoying it. The landscaping is close to 90% complete. The landscaping contractor, The Greenery, has achieved substantial completion as of January 26, 2010. The warranty period of 18 months began on January 26, 2010. Mr. Orban stated that to be compliant with the requirements of the warranty, and to prevent any associated maintenance claims that might void the warranty, he, along with Town staff and the Project Manager, recommend that the Parkway and Roundabout landscape maintenance be handled by The Greenery beginning on February 2, 2010.

Mr. Orban stated that the current contract is held by KICA and that they have agreed to the changes. Mr. Orban thanked KICA for being accommodating during the discussions.

The annual fees for the Kiawah Island Parkway, bike path and Roundabout will be \$22,200 and \$17,300.16, respectfully. The total price for maintenance, excluding mulch, will be \$39,500.16. In addition, there are unit prices for mulch at \$32.00 per yard installed. Mr. Orban stated that during construction, the Town placed 1,500 yards of mulch and that the mulch estimate is why the total 18 month contract amount is budgeted not to exceed \$112,000. Mr. Orban stated that the contract will begin February 2, 2010.

Mr. Orban motioned to authorize Town Staff to negotiate an 18 month contract with The Greenery to perform the services of landscape maintenance on the Kiawah Island Parkway, including the Roundabout, for an amount not to exceed \$112,000. Mr. Lipuma seconded the motion.

Mayor Wert noted that the Ways and Means Committee unanimously recommended the Kiawah Island Parkway Maintenance Agreement with The Greenery.

After discussion, the motion carried unanimously.

F. Beach Franchise Agreement Renewal

Mrs. Rucker stated that this amendment is to renew the current non-exclusive franchise agreement with Night Heron Park Company for the beach services franchise. The current agreement expires on February 28, 2010. This amendment will renew the agreement for a term commencing on February 28, 2010 and expiring on February 28, 2011. A letter of intent was received from the Kiawah Island Golf Resort.

Mr. Orban motioned to extend the non-exclusive franchise agreement for one year expiring on February 28, 2011. McHugh seconded the motion. The motion carried unanimously.

VIII. Committee Reports:

Arts Council

Mr. Lipuma stated that the Arts Council had a very busy January. The Hootenanay was a fun filled event. There were two Charleston Ballet Theatre events and both were smashing and very well attended. The Oscar Rivers Jazz group performed in mid-January. Two poignant films were shown: A Chopin Film and *Camille Claudel*. The Chopin film also included a mini-recital by 15 year old prodigy pianist Micah McLuaren. Mr. Lipuma stated that, "Micah McLuaren is a very talented young man." There are seven upcoming events in February.

Kiawah Island Parkway and Bike Path Project

Mr. Orban stated that the bike path opened January 22, 2010 and hopes all will get a lot of use out of it. The project is close to 90% complete and the landscaping will look very nice in June and July.

Public Safety

The Town held a Public Safety Committee meeting in January. Mr. Orban stated that Joe Croughwell, KICA Chief of Security, stated that visitation on the island decreased during 2009; 1.8 million visitors in 2008 and 1.6 million in 2009. Deer deaths caused by vehicle decreased 50% from 12 to 6. Mr. Orban stated that there seems to be confusion in who to call in the event of an emergency. He explained that you must always call 911 and not the front gate. The fully consolidated 911 center will be running in April.

Environmental Committee:

Mr. McHugh stated that Dr. Tim Kana, Coastal Science and Engineering, gave a presentation during the Environmental Committee meeting and that the beach is

in good shape. Since the renourishment project, the Town has accreted five million cubic yards of sand. If the Town were to purchase that amount of sand it would cost between \$30-\$35 million dollars.

Mr. Lipuma added that Dr. Kana explained that the shape of the Town results in most erosion to the mid-island, or near Eugenia. He explained that the recent scarping of the dunes occurred due to strong storms and high tides. Dr. Kana examined the scarping and explained that the sand is not gone permanently but instead, lying just off the beach in the tides. The sand will replenish itself during the summer when the tides and winds change.

Mr. McHugh stated that there have been several large Tilapia kills that are directly related to the cold temperatures in January.

Johns Island Road Project

LPA Group, hosted a charette in early December where they showed the roadway possibilities for Greenway and Bohicket/Main Roads. The project is in the evaluation phase and should be finished by the end of March. The Comment period for input ended and only 428 total replies were received from the Johns Island, Seabrook, and Kiawah areas. The process is set to continue but he stated that economically this is not the right time. He added that over 11,000 people commute to the Kiawah and Seabrook Islands every day just for jobs. The number of guests that visit the island is over one million a year and those guests arrive via HWY 526 to Main Road or from James Island. Mr. Burnaford said that those guests have to be taken off the most dangerous roads of River and Bohicket. Mr. Burnaford and Mr. Paul Roberts continue to meet with Seabrook, County, and City representatives to discuss the roads.

Elections

Paul Thurmond and Curtis Inabinett, County Councilmen, are not going to run again. As of now, Joe Qualey is going to run for Charleston County Council and is currently on the James Island City Council. Fran Roberts will be running for Curtis Inabinett's seat. Mr. Burnaford stated that he will meet with both of the candidates to gather viewpoints and promote the roads.

IX. Town Administrator's Report:

Mrs. Rucker stated that this is her first meeting back after a couple of months out. She stated that she is very pleased to be back and thanked everyone for their calls and concerns during her time away.

All regimes are now included in the Town's solid waste program. She stated that the transition went very smoothly with just a few administrative glitches. The dumpsters are being serviced by Fennell Container. The Census Bureau has selected Kiawah's Town Hall to be a Census Assistance Center. During the weeks of March 18 through April 19 Census Bureau personnel will be available to

answer questions on the 2010 Census. Town has applied for two recycling awards from State Agencies and awaiting response on both applications.

X. Mayor's Report:

Mayor Wert stated that he speaks on behalf of the Council in welcoming Mrs. Rucker back. He also thanked Ms. Wilson for her work as acting Administrator.

Mayor Wert stated that the one of the beach renourishment's goals was to protect the Piping Plover and the renourishment has worked. Not only does the Piping Plover use Kiawah's beach as habitat, but now other species of endangered birds have also been spotted. The Town's renourishment project was the largest private beach renourishment project in the entire east coast. Mayor Wert noted that KIGR, KRA, KICA, and the Town all worked in making the renourishment project successful. No federal or state funds were used during the renourishment.

Mrs. Betty Stringfellow, Kiawah Island resident, received a national award from the Daughters of the American Revolution.

Mayor Wert stated that on January 10th he and his wife, Pat, were able to represent the Town at the Martin Luther King, Jr. service at the Methodist Church. He stated that it was a very moving service and allowed them the opportunity to reflect on the occasion. The 1963 March on Washington DC was held 100 years after the Emancipation Proclamation.

Mayor Wert thanked Mr. Orban for his hard work and dedication on the Parkway and Bike Path Project.

XI. Citizen Comments:

Fran Wermuth, 140 Hooded Merganser

Mrs. Wermuth stated that she is concerned about the timing and the way the leash law ordinance passed. She has tried to do the research and has been unable to find out why it came to Council. She also stated that they were not given notice of the proposed changes. She stated that she understands that many dog owners are very responsible and only some are not. She believes the blanket ordinance punishes responsible dog owners and their dogs. She stated that there are hardly any people on the beach and she feels that dogs should still be allowed off leash after October 1.

Art Morganstern, 164 Marsh Island

Mr. Morganstern congratulated Mr. Orban regarding the bike path. He asked if there will be additional safety attributes added after landscaping is completed; specifically barriers and curbs. Also, during the Develop Agreement negotiations with the Resort, will the Town will take steps to get the viewpoints of property owners.

XII. Council Member Comments:

Mr. Lipuma

Mr. Lipuma was at the Greek Orthodox 100 Anniversary and had a chance to chat with Representative Leon Stavrinakas. Representative Stavrinakas stated that he was ready, willing and able to meet with local towns to discuss topics of interest.

Mr. Burnaford stated that Leon Stavrinakas is in support of the greenway and he is the Town's representative to the State Legislature. He is up for re-election.

Mr. Orban added that Mr. Stavrinakas is very open to working with the towns and has been very responsive.

XIII. Adjournment

Mr. Burnaford motioned to adjourn the meeting at 2:45pm. Mr. Orban seconded. The motion carried unanimously.

Submitted by,

Catherine Wilson, Town Clerk

Approved by,

William G. Wert, Mayor

Date