

**TOWN COUNCIL MEETING
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
January 5, 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 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
Alan L. Burnaford, Mayor Pro Tem
Charles R. Lipuma
G. Steven Orban
Harry M. McHugh

Also Present: Dennis Rhoad, Town Attorney
Catherine Wilson, Town Clerk

Absent: Tumiko Rucker, Town Administrator
- V. Agenda Amendment:**
Mayor Wert motioned without exception to amend the agenda by adding New Business Item G, VC3 Computer Systems Management Contract and Item H, Arts Council Ticket Release Policy Change.
- VI. Approval of Minutes:**
A. Town Council Meeting Minutes for December 1, 2009
Mr. Burnaford motioned to approve the minutes for December 1, 2009. Mr. Orban seconded the motion. Mr. Lipuma corrected the spelling of “Reinert” on page two. With that change the minutes were approved unanimously.

B. Town Council Special Meeting Minutes for December 15, 2009
Mr. Burnaford motioned to approve the Minutes for December 15, 2009. Mr. McHugh seconded the motion. The motion carried unanimously.

VII. Old Business:

A. Second Reading of Ordinance 2009-11-Business License Ordinance Amendment

Mayor Wert stated that comments and suggestions were made during the Public Hearing held on January 5, 2010 that asked Town Council to reconsider the removal of the declining rate table from the current Ordinance. Mayor Wert stated that Town Council can reinstate the declining rate table into the Ordinance for second reading, as they have been advised from Town Attorney that it is a non-substantive change.

Mr. Lipuma motioned to add the declining scale to the Ordinance prior to the second reading. Mr. McHugh seconded the motion. The motion carried unanimously.

Mr. Orban motioned to approve the second reading of Ordinance 2009-11 with the addition of the declining rate table. Mr. Lipuma seconded the motion. The motion carried unanimously.

VIII. New Business:

A. Affirmation of 2009 Ordinances

Ms. Wilson stated that each January, Town Council affirms the prior year Ordinances by vote.

Mayor Wert motioned to affirm the 2009 Ordinances. Mr. Lipuma seconded the motion. The motion carried unanimously.

B. Annual Committee Member Appointments

Arts Council

Mr. Lipuma motioned to appoint the following members to the Arts Council for a one year term to expire January 31, 2011: Bill Blizzard, Ellie Burnaford, Becky Hilstad, Linda Morganstein, Mary Johnson, Arie DeZanger, Judy Perry, and Julie Fenimore. Mr. Burnaford seconded the motion. Mr. Lipuma noted that Becky Hilstad and Judy Perry are new members and that Mrs. Perry's resume is attached.

After discussion, the motion carried unanimously.

Environmental Committee

Mr. McHugh presented the following names for membership to the Environmental Committee for a one year term to expire January 31, 2011: Dave Achey, Dale Anderson, Lois Bryant, Jim Chitwood, David Elliott, Aaron Given, Jim Jordan, Elizabeth King, and Norm Shea.

Mr. Lipuma motioned to appoint the names presented by Mr. McHugh to the Environmental Committee for a one year term to expire January 31, 2011. Mr. Burnaford seconded the motion. The motion carried unanimously.

Public Safety Committee

Mr. Orban stated that the Public Safety Committee meets quarterly to review Beach Patrol performance and incidents on the Island.

Mr. Orban motioned to appoint the following members to the Public Safety Committee for a one year term expiring on January 31, 2011: Jim Broadus Doug Dodge, Dick Sula, and Joe Pezzullo. Mr. Lipuma seconded the motion. The motion carried unanimously.

C. BZA Reappointment

Mayor Wert stated that Mr. Tom Burke is a current member of the BZA and his term expires on January 31, 2010. Mr. Burke has agreed to serve another term on the BZA and the Chairman of the BZA has recommended his reappointment.

Mayor Wert motioned to appoint Tom Burke to the Board of Zoning Appeals for a three year term expiring on January 31, 2013. Mr. Lipuma seconded the motion. The motion carried unanimously.

D. Planning Commission Reappointment

Mayor Wert motioned to appoint Larry Iwan to the Planning Commission for a term of four years to expire on January 31, 2014. Mr. Burnaford seconded the motion. The motion carried unanimously.

E. First Reading-Ordinance 2010-1-Roundabout Annexation Ordinance

Mayor Wert stated that when the Town completed the Roundabout it was never formally annexed into the Town. The Roundabout is entirely owned by the Town of Kiawah Island. Ordinance 2010-1 will provide for the annexation of the area (commonly known as the realigned portion of the Kiawah Island Parkway and the Roundabout), in Charleston County but owned entirely by the Town of Kiawah Island, into the corporate boundary of the Town.

Mr. Lipuma motioned to approve the first reading of Ordinance 2010-1. Mr. Orban seconded the motion. The motion carried unanimously.

F. Revised Regime Solid Waste Collection Costs

Mayor Wert stated that this item is presented for information only and reflects the new Kiawah Island solid waste program contract costs.

Mr. McHugh explained that the contract reflects the new inclusion of the solid waste pickup for regimes and public areas. In aggregate, it reduces the total cost of pickup by 20%. Mr. McHugh stated that it was not a linear 20% savings across each regime but that there were several regimes where the Town was able to make

a positive impact. The 20% reduction is not a direct savings to the Town because the Town was not assuming the costs during 2009. The oversight committee will continue to monitor the program and ongoing costs.

Mayor Wert stated that in actuality, the Regimes have a major positive as they no longer pay for the service because the Town picked up the cost.

Mr. McHugh stated the new program is as consistent as he thinks it can be between the regimes, condominiums, and single family owners.

G. VC3 Computer Systems Management Contract

Mayor Wert stated that the Town has been working with VC3 to develop an ongoing contract for computer systems management. The Ways and Means Committee voted to forward this item to Town Council for approval.

Mr. Orban motioned to extend the VC3 Computer Systems Management Contract through June 30, 2013. Mr. Burnaford seconded the motion.

Mayor Wert stated that the Town has the right to review this contract on an annual basis and each party will have the right to terminate.

Mr. Orban stated that this is a fixed annual rate contract rather than a price per hour that the Town paid in the past. He explained that this will allow the Town to budget more accurately and to better monitor the hardware and software programs. The Town will review the contract annually.

After discussion the motion carried unanimously.

H. Arts Council Ticket Distribution Policy Change

Mr. Lipuma stated that since the inception of the Kiawah Arts Council in 2004 events have become increasingly popular. Ticket demand has increased significantly and there has been concern that Kiawah residents will be shut out of an event. A new ticket policy will be put into place at the beginning of February that will allow Kiawah residents to pickup tickets three days in advance of non-residents.

Mayor Wert motioned to implement the new Arts Council Ticket Distribution Policy effective February 1, 2010. Mr. Burnaford seconded the motion.

Mr. Orban stated that Mr. Lipuma should note that the Arts Council Committee is in favor of the policy change. Mr. Lipuma stated that the Arts Council has discussed this option and a majority recommends implementation.

Mr. Burnaford asked if the policy will also apply to ATAX events. Mr. Lipuma stated that it will apply to all events falling after February 1.

Mr. McHugh stated that there is a wide felt feeling that Kiawah must open their arms outside of Kiawah and into the greater community. He stated that the Arts programs bring a lot of people to the Island and he feels that this policy is a good balance for property owners and the greater community.

Mayor Wert stated that the Arts Council was formed to bring the community together and to expand the arts outside of Kiawah and that this policy will not change that. He stated that he is curious to see if the policy will change attendance to the events.

After discussion, the motion carried unanimously.

IX. Committee Reports

Arts Council

Mr. Lipuma stated that the December 3, 2009 Yuriy Bekker Holiday Strings concert was an outstanding performance with over 900 attendees. Mr. Bekker loves to be a part of the Kiawah Arts Council programming and to play at Holy Spirit Catholic Church because of their magnificent acoustics. This concert was enjoyed by all. January will be a busy month starting this week with Hootenanny and ending on January 28 with the Charleston Symphony Orchestra Woodwinds Chamber Music.

KI Parkway and Bikepath

The Bikepath is getting closer to being finished and the contractor has promised to have the guardrail completed by mid-January. Mr. Orban asked for all to continue to be patient and hopefully it will be open before February.

Environmental Committee

Mr. McHugh stated that the Environmental Committee brings together the different groups on Kiawah and allows all to have a pretty good idea on what each group is doing relative to their “green” activities. During the last Environmental meeting, Mr. Dave Achey, KICA, informed that the Community Association continues to look at landscaping plans that are more natural and reduce the required mowing. They are also willing to help individual property owners with developing a more naturally vegetated lawn or property. KICA is also using new satellite water saving technology for sprinkler and irrigation control in the Preserve and the estimate is a 30% savings in watering costs.

Johns Island Roads

Mr. Burnaford and Mr. Paul Roberts have had a number of meetings with Seabrook representatives and gathered positive support. Seabrook now has a Road’s Committee headed by Sam Reed and Bill Holtz. Reed was elected to the Seabrook Council and Holtz elected as mayor during the recent election. Mr. Roberts and Mr. Burnaford also met with the owners of Mullet Hall to discuss the possibility of connecting a horse trail on the greenway to the trails at Mullet Hall.

The Mullet Hall owners were very supportive of the idea and the greenway. There is a current roads study going on by the Charleston County Council that should be completed within the next three months. The survey will provide the costs of the Greenway and of widening Main and Bohicket Roads. The study will also provide routes and desired positioning for each concept. Once the study is completed, the actual cost will be available. Mr. Burnaford announced that Paul Thurmond, Kiawah, Seabrook, and Johns Island County Council Representative will not run again for County Council at the end of this year. Mr. Burnaford stated that Mr. Thurmond has worked very hard for this roadway with County Council.

Mr. Burnaford stated that he, along with Mayor Wert, Paul Roberts, Bill Hindman, and Sam Reed, met with the Post and Courier editors to explain the Kiawah and Seabrook facts after some recent negatively spun articles.

Mayor Wert stated that the meeting with the Post and Courier was not in support of a particular issue and he thought that it went very positively. Kiawah and Seabrook representatives wanted to meet with the Post and Courier to let them know that they felt the press could be more positive on a general basis especially with all of the volunteer work that the residents provide. Mayor Wert stated that within 48 hours of the meeting another headline was printed that “downed” both Seabrook and Kiawah. He stated that “the jury is still out on if that meeting was successful or not.”

X. Town Administrator’s Report:

Mayor Wert stated that Mrs. Rucker, who has been out on medical leave, is expected to return to work on Friday, January 8 and that they look forward to her return. He thanked Cathy Wilson for her work as acting Town Administrator in Mrs. Rucker’s absence.

Ms. Wilson stated that Town Business Licenses expire at the end of February and that Town staff will begin sending out renewals in the next few weeks. She noted that although an early reminder, 2010 is an election year and asked that anyone with interest in working the December election contact Town Hall.

XI. Mayor’s Report:

Mayor Wert stated that two very good Italian restaurants are on Kiawah: Tomasso’s at Turtle Point Clubhouse and La Tela at Freshfields. He stated that La Tela’s has very good thin crust, brick oven pizza. He stated that in the December meeting Council asked all to be generous with holiday donations and that donations, while down, did well during the holidays.

XII. Citizen’s Comments:

None

XIII. Council Comment:

Mr. Lipuma stated that on December 30, 2009 the Post and Courier printed two letters to the editor regarding the roads: 1) *Greenway a Poor Use of Resources* and, 2) A very articulate letter written by Mr. Burnaford that fairly berated the Post and Courier feature writer Brian Hicks for his “diatribe of hyperboles” entitled *John’s Island Super-Highways of Death* referring to the Johns Island Greenway. Mr. Lipuma stated that it seems the Post and Courier “throws rocks at the Town every chance they get.”

XIV. Executive Session:

Mayor Wert adjourned the regular meeting at 2:37pm to enter into Executive Session to discuss legal matters.

No votes or actions were taken during Executive Session.

XV. Open Session:

Mayor Wert motioned to authorize the Town’s Attorney to work with the Kiawah Island Golf Resort’s attorney on a Development Agreement. Mr. McHugh seconded the motion. The motion carried 3-2 with Mr. Lipuma and Mr. Orban voting no.

XVI. Adjournment:

Mr. Burnaford motioned to adjourn the meeting at 3:32pm. Mr. Orban seconded the motion. The motion carried unanimously.

Submitted by,

Catherine Wilson, Town Clerk

Approved by,

William Wert, Mayor

Date