

**Town Council Meeting  
Kiawah Island Municipal Center  
January 6, 2009; 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 Meeting: December 2, 2008**

**Mr. Burnaford motioned to approve the minutes of December 2, 2008. Mr. Orban seconded the motion. The minutes were approved unanimously.**

**VI. Citizen's Presentation**

None

**VII. Old Business**

None

**VIII. New Business:**

**A. Election of Mayor Pro Tem**

Mayor Wert explained that after each General Municipal Election, the Mayor Pro Tem must be elected by the newly elected Council, from its membership, for a term of not more than two years.

**Mayor Wert motioned to nominate Mr. Burnaford for Mayor Pro Tem. Mr. McHugh seconded the motion.**

**Mr. Orban motioned to nominate Mr. Lipuma for Mayor Pro Tem. Mr. Lipuma seconded the motion.**

**Mr. Lipuma motioned to nominate Mr. Orban as Mayor Pro Tem. Mr. Orban seconded the motion.**

**Mayor Wert called for a vote on the original motion nominating Mr. Burnaford for Mayor Pro Tem. Mr. Burnaford was elected Mayor Pro Tem by a vote of 3-2. Mr. Orban and Mr. Lipuma voting no.**

#### **B. Council Committee Assignments**

**Mayor Wert announced without exception the following Council Committee assignments:**

**Arts Council-Mr. Lipuma**

**Environmental Committee-Mr. McHugh**

**Planning Commission and External Affairs-Mr. Burnaford**

**Public Safety Committee-Mr. Orban**

#### **C. Committee Member Appointments**

##### **Board of Zoning Appeals**

**Mayor Wert motioned to nominate Louis Anderson, Ron Ritchie, and Herchiel Sims to the Board of Zoning Appeals for a term of three years. Mr. Burnaford seconded the motion. The motion carried unanimously.**

##### **Planning Commission**

**Mayor Wert motioned to nominate Andrew Capelli and Ron Tedesco to the Planning Commission for a term of four years. Mr. Burnaford seconded the motion. The motion carried unanimously.**

**Mr. McHugh motioned to nominate Dave Achey, Dale Anderson, Lois Bryant, Jim Chitwood, David Elliott, Aaron Given, Jim Jordan, Elisabeth King, and Norm Shea to the Environmental Committee for a term of one year to expire the last day of January 2010. Mr. Lipuma seconded the motion.**

**Mr. Lipuma stated that Lois Bryant is a new appointee and is filling the vacant seat for an ARB representative. Mrs. Bryant has agreed to serve until the ARB fills the vacant position of landscape architect within their office.**

**After Mr. Lipuma's comment, the Mayor called for a vote and the motion carried unanimously.**

**Arts Council**

**Mr. Lipuma motioned to nominate Bill Blizard, Ellie, Burnaford, Arie deZanger, Julie Fenimore, Lennie Freeburg, Mary Johnson, Linda Morganstein, and Carol Anne Smalley for a term of one year to expire the last day of January 2010. Mr. Orban seconded the motion. The motion carried unanimously.**

**Public Safety Committee**

**Mr. Orban motioned to nominate Jim Broadus, Doug Dodge, Joe Pezzullo, and Dick Sula for a term of one year to expire the last day of January 2010. Mr. Burnaford seconded the motion. The motion carried unanimously.**

**D. Affirmation of the 2008 Ordinances**

Mayor Wert stated that there were four ordinances approved in 2008 and gave a brief summary of each ordinance.

**Mayor Wert motioned to affirm Ordinances 2008-1, 2008-2, 2008-3, and 2008-4. Mr. Burnaford seconded the motion. The motion carried unanimously.**

**E. Appointment of Clerk**

**Mayor Wert motioned to nominate Catherine Wilson as Town Clerk. Mr. Lipuma seconded the motion. The motion carried unanimously.**

**F. Appointment of Treasurer**

**Mayor Wert motioned to nominate Kenneth Gunnells as Town Treasurer. Mr. Lipuma seconded the motion. The motion carried unanimously.**

**G. Appointment of Town Attorney**

**Mayor Wert motioned to appoint Dennis Rhoad as Town Attorney. Mr. McHugh seconded the motion. The motion carried unanimously.**

**H. First Reading-Ordinance 2009-1-Amendments to Article 12C-204**

Mayor Wert explained that this Ordinance is to amend Article 12C-204, Preliminary Plat-Procedural Requirements in order to allow for one six month extension. Preliminary Plats will still apply for three years which will be measured from the date of approval granted to the phase or section of the subdivision.

Mayor Wert stated that Town Council held a Public Hearing for Ordinance 2009-1 at 1:30pm on January 6, 2009 and no comments were made by the public. Mayor Wert also stated that the Planning Commission held a Public Hearing on October 15, 2008 for Ordinance 2009-1.

**Mayor Wert motioned to approve the first reading of Ordinance 2009-1. Mr. Lipuma seconded the motion.**

Mr. Burnaford stated that he received a phone call on January 5, 2009 from Dennison Royal. Mr. Royal explained to Mr. Burnaford that he has a property with an expiring six month extension and if the Ordinance passes he will have start the Subdivision process over. Mr. Royal expressed concern with the passing of the Ordinance due to the current economic situation and the hardship it would place on him personally.

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

**I. First Reading-Ordinance 2009-2-Amendments to the Zoning Map**

Mayor Wert stated that this amendment is being considered to update the 1994 zoning map in accordance with the current Kiawah Island Municipal Code Article 12, Comprehensive Plan, and Development Agreements. The item was published in the Post and Courier on January 1 and January 4, 2009 in accordance with the requirements of the State of South Carolina and the Town of Kiawah Island. All affected property owners will be notified via letters from the Town and affected parcels will be posted. Mayor Wert also stated that a Public Hearing will take place on January 22, 2009 at 1:00pm in order to receive comments from interested parties. Mayor Wert explained that the map is available for inspection at Town Hall and also on the Town's website at [www.kiawahisland.org](http://www.kiawahisland.org). A list of proposed changes is also available.

**Mayor Wert motioned to approve the first reading of Ordinance 2009-2. Mr. Orban seconded the motion. The motion carried unanimously.**

**J. First Reading-Ordinance 2009-3-Amendment to Article 2, Section 2-401**

Mayor Wert explained that the existing Ordinance defines the Ways and Means Committee as two members of the Council and the Mayor. Mayor Wert stated that he has proposed that the Ordinance be amended to read as follows: "a Ways and Means Committee, consisting of *at least* two (2) members of Council and the Mayor, shall be appointed.

**Mayor Wert motioned to approve the first reading of Ordinance 2009-3. Mr. Lipuma seconded the motion.**

**Mr. Orban motioned to amend the wording of Article 2, Section 2-204 (C) (1) to read: "Budget and finance, revenue, audits, business license, accommodations tax, and *contracts and procurements.*" Mr. Lipuma seconded the motion. The motion carried unanimously.**

**Mayor Wert called for a vote on the original motion for the approval of the first reading. The motion carried unanimously.**

**K. Charitable Contributions Applications**

Mayor Wert explained that two times per year, the Ways and Means Committee meets in order to review Charitable Contribution Applications and make recommendations to Town Council. Mayor Wert stated that the Town began with a Charitable Contribution's Budget of \$100,000. The remaining balance to disburse is \$43,950.

**Mayor Wert motioned to approve a donation of \$6,500 to Rural Mission, INC. as recommended by the Ways and Means Committee. Mr. Burnaford seconded the motion. The motion carried unanimously.**

**Mayor Wert motioned to approve a donation of \$15,000 to the Barrier Islands Free Medical Clinic as recommended by the Ways and Means Committee. Mr. Orban seconded the motion. The motion carried unanimously.**

**Mayor Wert motioned to approve a donation of \$3,500 to the Coastal Crisis Chaplaincy as recommended by the Ways and Means Committee. Mr. Orban seconded the motion. The motion carried unanimously.**

**Mayor Wert motioned to approve a donation of \$15,000 to Our Lady of Mercy as recommended by the Ways and Means Committee. Mr. Burnaford seconded the motion. The motion carried unanimously.**

**Mayor Wert motioned not to fund a request for \$5,000 to St. John's High School Inauguration Trip as recommended by the Ways and Means Committee. Mr. Burnaford seconded the motion.**

Mr. Lipuma stated that he had received several phone calls on behalf of this funding request and that he had given a lot of thought to the item. Mr. Lipuma explained that he searched the Community Outreach Policy for wording that would preclude the Council from funding the request and that he found no policy issue. Mr. Lipuma also stated that the school qualified as a 501 (C) (3) under the Internal Revenue Code as the Town Policy requires. Mr. Lipuma read from the Town of Kiawah Community Outreach Policy and stated that it seems to him that this request is a one time opportunity that they should try and support. Mr. Lipuma also stated that there was a balance of \$3,950 remaining in the fund.

**Mr. Lipuma motioned to amend Mayor Wert's motion and recommended the donation of \$3,950 to the St. John's High School Inauguration Trip. Mr. Orban seconded the motion.**

Mr. Orban stated that during the Ways and Means Committee Meeting that he voted against funding this request but that his heart has softened since the meeting and he feels it is a very worthy cause. Mr. Orban also stated that he had received a number of calls in support of this application.

Mr. Burnaford stated that he also voted against funding the application during the Ways and Means Committee meeting because the Committee had received other requests in the past for school field trips and turned them down. Mr. Burnaford stated that approval of this application would set a precedent for the future and that he does not support the funding.

**Mayor Wert called for a vote on the original motion to not fund the St. John's High School Inauguration Trip. The vote failed 3-2. Mr. Orban, Mr. Lipuma, and Mr. McHugh voting no and Mayor Wert and Mr. Burnaford voting yes.**

**Mayor Wert called for a vote on the amended motion to approve a donation of \$3,950 to the St. John's High School Inauguration Trip. The motion passed 3-2. Mr. Orban, Mr. Lipuma, and Mr. McHugh voting yes and Mayor Wert and Mr. Burnaford voting no.**

The \$3,950 allocation zeroed the remaining Charitable Contribution Fund balance and the Pet Helpers request was not considered.

#### **L. 2009 Town Holiday Schedule**

**Mr. Burnaford motioned to approve the 2009 Holiday Schedule. Mr. Orban seconded the motion.**

Mr. Orban asked if the Town had a policy for the number of holidays given in a calendar year. Mrs. Rucker stated that the Town's policy allows for thirteen days and that employees are given a "personal holiday" of their choice in addition to the twelve approved days.

**Mayor Wert called for a vote and the motion passed unanimously.**

#### **IX. Committee Reports:**

##### **Beach Parking**

Mr. Lipuma stated that Mr. Roger Warren had with him a proposed plan for the Beach Parking and that Council will review the plan during executive session.

##### **OCRM Permit-Kiawah River Revetment**

Mr. Lipuma stated that on December 18, 2008 OCRM issued a permit decision for KDP's Kiawah River Revetment and Bulkhead. They approved 270' of an erosion control structure. KDP originally requested 2783'. Mr. Lipuma stated that the 270' are along the County's Beachwalker Park and that the erosion is threatening the parking lot. Mr. Lipuma stated that he was disappointed that the Town was not on the list to receive this notice. Mr. Lipuma was notified by a friend of the OCRM decision. At that time, Mr. Lipuma asked Mrs. Rucker to contact Bill Eiser with OCRM in order to obtain a copy of the permit and letter. Mr. Lipuma stated that OCRM faxed a copy of the documents to the Town on January 2, 2009. Mr. Lipuma asked Mrs. Rucker to send a letter to OCRM specifically requesting notice of any relevant permits.

Mayor Wert stated that OCRM's policy was to notify only the applicant or directly effected parties. Mayor Wert explained that when Mrs. Rucker called OCRM to request a copy that the OCRM office requested a signed letter from the Mayor requesting the document. Mayor Wert stated that it is OCRM's internal procedures that prevent the

notice from being sent directly to the Town. Mayor Wert also stated that this request took months to go through a process which usually takes 31 days and that the Town has not been contacted by the KDP in order to appeal the decision.

### **Environmental Committee**

Mr. Lipuma stated that there were four wildlife calls between the last meeting and today. There were three deer hit and killed by vehicles as well as an injured dolphin call. The Piping Plover surveys are averaging 17 birds. Jim Jordan gave his annual "State of the Beach" presentation on January 5, 2009 to the KICA board. Mr. Lipuma stated that in summary, the beach is stable, some sand has been lost, but overall the beach is in good shape. The sand shoal at the eastern end has attached to the island bringing with it an estimated 750,000 cubic yards of sand. Dr. Tim Kana is finishing his year end report and will present to Town Council within the first quarter of the year.

Mr. Orban asked if there are any signs of loss of beach on the west end of the Island.

Mr. Lipuma stated that mid and west sections of the Island have mild dune scarfing but nothing major.

### **Arts Council**

Mr. Lipuma stated that the Arts Council has three events coming up in January: Wanda Johnson at Turtle Point, Charleston Ballet at the East Beach Conference Center, and Ann Caldwell at the Sandcastle.

### **Public Safety**

Mr. Orban stated the Town will have a Public Safety Meeting on January 20, 2009 at 3:00pm. One issue to discuss will be improving the Marathon Traffic incurred during peak check-in times. Mr. Orban stated that there was a huge back up during the Marathon and that over 4,000 vehicles checked in on Friday afternoon. Mr. Orban stated that KICA security personnel did the best job they could do in that situation.

### **Financial**

Mr. Orban stated that Mr. Gunnells explained to the Ways and Means Committee that the Town is still performing as expected financially. Mr. Orban explained that the Town will begin the budgeting process in late spring in order to adopt the budget by July 1, 2009.

### **Parkway Project**

Mr. Orban stated that the Town received a letter from DHEC dated December 11, 2008 approving the Town's mitigation proposal. The Mayor signed the agreement and sent it back to DHEC. The Town is awaiting the permit. The Town will also work with Berkeley Electric in order to get the installation of a nine duct electric line that will run underneath the Parkway.

### **Johns Island Roads**

Mr. Burnaford attended a meeting on December 17, 2008 called by Mayor Riley in order to discuss the roads on Johns Island. The attendees include County Councilmen Paul Thurmond and Curtis Inabinett, Mayor Riley, Mayor Wert, Mayor McNulty, Mayor Kates. Others in attendance were Mr. Paul Roberts and other citizens from the Sea Islands. No consensus was developed during the meeting and the Mayors are still tasked with attempting to get a process together to talk about the roads crossing Johns Island. Mayor Riley left the meeting early in order to attend a Mayor's meeting in Washington, D.C. where he requested infrastructure funds for the Charleston area from the Obama administration. The proposed toll road is not a preferred concept. Mayor Riley now supports the need for a road to divert some of the traffic from the Stono Bridge.

### **Planning Commission**

Mr. Burnaford stated that the Planning Commission met in December and discussed both the proposed zoning map changes and the preliminary plat procedural process. The Planning Commission's January meeting has been cancelled due to lack of agenda items.

## **XII. Town Administrator's Report**

Mrs. Rucker stated that the Town of Kiawah Island received a Palmetto Pride Grant in the amount of \$4,000 for the third year in a row. The funds will be used for various beautification projects on the Island. The Town also signed a new lease for a new Xerox machine that will increase the Town's printing capabilities and quality while decreasing the associated costs. The Town will be pursuing the Charleston County Area Transportation funds as well as the Municipal Association's Innovation Award by May 1, 2009. Mrs. Rucker stated that staff is currently in the process of completing the zoning mailings and postings.

## **XIII. Mayor's Report**

Mayor Wert stated that one of the privileges he has as Mayor is the appointment of the Ways and Means Committee Chairman. Mayor Wert appointed Mr. Orban as the Ways and Means Committee Chairman.

Mayor Wert stated that there was an accident that stopped traffic on the Kiawah Island Parkway for over an hour on January 4, 2009. Mayor Wert stated that there are alternative traffic plans in the case of an emergency. The Island has two available helicopter landing spots and the St. Johns Fire Department has a plan to move traffic out of the way of an ambulance. If in case of a serious emergency, there are plans that will open the roadway.

Mayor Wert stated that with the downturn of the economy, the Town may not fund certain programs in FY 08/09 that have been funded in previous times. The Town staff is looking into a hypothetical 30% decrease in revenues for the next fiscal year.

**XIV. Citizen's Comments/Questions:**

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

Mr. Olson thanked the Council for the donation of \$3,950 for the St. John's High School Inauguration Trip. Mr. Olson stated that this is a great opportunity to contribute to a group of well deserving youths and the future of Johns Island.

**B. Wendy Kulick, 38 Marsh Edge Lane**

Mrs. Kulick suggested that the Town revise their Municipal Code in order to bring it in compliance with the SC Freedom of Information Act for regularly scheduled meetings. Mrs. Kulick suggested that the Town follow the wording of the existing Municipal Code in regard to Special Town Council meetings. Mrs. Kulick read Chapter 3 Section 203 (B) of the Town Code. Mrs. Kulick stated that this section is in compliance of the State's Freedom of Information Act Title 30-4-80 (E). Mrs. Kulick stated that neither she, nor the other individuals mentioned in the November 2008 issue of Town Notes received notice or agendas for the Special Town meetings in 2008.

**C. Anderson Beck, Jr., Rural Mission, INC**

Mr. Beck expressed Rural Mission's gratitude to Town Council for the Charitable Contribution.

**D. Christa Lewis, Sea Island Habitat for Humanity**

Mrs. Lewis presented Town Council with a financial partnership proposal in the amount of \$60,000 over the next three years. The installments would be \$20,000 each year and the funding would sponsor a home build.

**XIV. Council Members Comments**

**Mayor Wert**

Mayor Wert stated that the Town of Kiawah Island requested an inspection of the Old Inn property by the Charleston County Building Services Department in December of 2008. Upon inspection, it was determined that the buildings are in sound and repairable conditions. Mayor Wert read the letter of results and stated that copies of the letter are available at Town Hall.

**Mr. Burnaford**

No Comment

**Mr. McHugh**

No Comment.

**Mr. Orban**

No comment.

**Mr. Lipuma**

No comment.

**XV. Executive Session:**

Mayor Wert motioned to go into executive session to discuss legal and contractual matters after a ten minutes recess. Mr. Orban seconded the motion. The motion carried unanimously.

No votes or actions were taken during executive session.

Mayor Wert motioned to enter into open session at 4:06pm. Mr. Burnaford seconded the motion. The motion carried unanimously.

**XVI. Open Session:**

Mayor Wert motioned a request to authorize Councilman Orban and Mayor Wert to meet with KDP/Thomas and Hutton to negotiate and enter into a contract to manage, design, and solicit bids, including landscape design, for the Kiawah Island Parkway and Bike-path project, not to exceed the cost of \$447,000, with the desire to negotiate a lower price if possible. Mayor Wert stated that the \$447,000 is part of the \$4.5 Million budget for the Parkway Project and includes full time construction management. Mr. Burnaford seconded the motion. The motion carried unanimously.

**XVI. Adjournment:**

Mr. McHugh motioned to adjourn the meeting at 4:08pm. Mr. Lipuma seconded the motion. The motion carried unanimously.

Submitted by,

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Catherine C. Wilson, Town Clerk

Approved by,

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William G. Wert, Mayor

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Date