

**TOWN COUNCIL MEETING  
KIAWAH ISLAND MUNICIPAL CENTER  
COUNCIL CHAMBERS  
June 3, 2008, 2:00 PM  
Minutes**

**I. Call to Order:** Mayor Wert called the meeting to order at 2:02 PM.

**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  
Council: Al Burnaford,  
Don McIver  
G. Steven Orban

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

Absent: Charles R. Lipuma

**V. Mayor Wert moved without objection to amend the agenda to include New Business, item "F" Resolutions and to delete item "XIV," "Executive Session-Legal Matters.**

**VI. Approval of Minutes:**

A. Town Council Minutes for May 6, 2008

**Mr. Burnaford motioned to approve the minutes of May 6, 2008. Mr. Orban seconded the motion. Motion carried unanimously.**

B. Public Hearing-Article 12a Section 303 (2)-Minutes for May 2, 2008

**Mr. Burnaford motioned to approve the minutes for the Amendment to Article 12A Section 303 (2) Public Hearing. Mr. McIver seconded the motion. Motion carried unanimously.**

C. Public Hearing-Proposed FY 2008/2009 Town of Kiawah Island Budget-Minutes for May 19, 2008

**Mr. McIver motioned to approve the minutes of the proposed FY2008-09 Budget Public Hearing. Mr. Orban seconded the motion. Motion carried unanimously.**

**VI. Citizens Presentation:**

**A. Chris Brooks-Rural Mission**

Mr. Brooks discussed the background and projects of the Rural Mission. He presented a request for funding in the amount of \$7500 that would be used to purchase construction equipment to further their efforts.

**B. David Richardson-Sea Island Cooperative Healthcare Corporation**

Mr. Brooks explained the services of the Sea Island Cooperative Healthcare Corporation. He stated that he wanted to continue the relationship between the communities and the Sea Island Cooperative Healthcare Corporation. Mr. Richardson stated that he would like the Council to consider funding the feeding programs of the Corporation and also support their effort to build affordable housing for the workers on the islands.

**VII. Old Business:**

**A. Budget Ordinance Approving the Fiscal Year 2008/09 Budget-Second Reading**

Mr. McIver stated that there were minor changes between the first and second readings of the budget but none were significant. Mayor Wert noted that the Town held a public hearing for the proposed budget on May 19, 2008 and only one citizen attended. The Ways and Means Committee unanimously recommended the budget to Town Council for approval.

**Mr. McIver motioned to approve the budget ordinance for the Fiscal Year 2008/09 Budget. Mr. Orban seconded the motion. The motioned carried unanimously.**

**B. Revised Article 12 Section 303 (2)-Second Reading**

Mayor Wert stated that the amendment to Article 12 Section 303 (2) public hearing was held on May 6, 2008 and there were no public attendees.

**Mr. McIver motioned to approve the second reading of the amendment to Article 12 Section 303 (2). Mr. Orban seconded the motion. Motion carried unanimously.**

## **VIII. New Business:**

### **A. Proclamation**

Mayor Wert presented Mr. Don McIver with a clock as a token of the Town's appreciation for his 8 years of dedicated service as a Councilmember and 6 years of service as the Ways and Means Committee Chairman. Mr. McIver will be relocating at the end of June 2008 and will have to resign from Council. Mayor Wert proclaimed June 10, 2008 as Mr. Donald H. McIver day and urged all citizens to recognize his contributions.

### **B. CARTA FY 2009 Budget**

Mayor Wert introduced the CARTA FY 2009 Budget and stated that in order for the Regional Transportation Authority to comply with state law, the budget is subject to approval from each member jurisdiction.

**Mayor Wert motioned to approve the CARTA FY 2009 Budget. Mr. Orban seconded the motion. Motion carried unanimously.**

### **C. Beach Patrol Contract Amendment**

Mrs. Rucker stated that the current beach patrol provider, A-Services Group, LLC is requesting a \$15,000 annual increase to cover the cost of a service vehicle and the increasing cost of gas. The Ways and Means Committee unanimously recommended to Town Council the approval of a one time \$15,000 supplement with the contract to be reviewed annually.

**Mr. McIver motioned to approve a one time \$15,000 supplement to cover the cost of a service vehicle and the increasing cost of gas for A-Services Group, LLC. Mr. Orban seconded the motion. Motion carried unanimously.**

### **D. Solid Waste Contractor Annual Rate Increase**

Mrs. Rucker explained that the Town received a letter from Suburban Disposal requesting a 6.1% price increase. Mrs. Rucker explained that the Southeastern CPI rate is 4.4% and that Suburban's request is based on the unexpected rise in fuel costs. The Ways and Means Committee unanimously recommended this approval of a 6.1% price increase to become effective on July 1, 2008.

**Mr. McIver motioned to approve the 6.1% price increase for Suburban Disposal. Mr. Orban seconded the motion. Motion carried unanimously.**

## **E. HVAC Replacement**

Mrs. Rucker explained that the Ways and Means Committee had recommended the approval of up to \$8,500 for a Carrier Sea Coast 5 ton 14 seer equipment using R-410a refrigerant from Signature Heating and Air; this includes funding for an extended service warranty. In this recommendation the Town would proceed to replace the current equipment used for Council chambers and Judge's office with the Sea Coast unit specifically designed for use in coastal areas. This item had three separate bids; Blue Marlin, Lonzie and Allen, and Signature.

**Mr. Burnaford motioned to award the expenditure of up to \$8500 which will include a ten year service warranty, a five year parts warranty, and a ten year warranty on the compressor. Mr. McIver seconded the motion. Motion carried unanimously.**

## **F. Resolutions**

Resolution 2008-1 resolved that the Town of Kiawah Island supports the construction of the proposed cross island limited access road and improvement of all roads on Johns Island that will benefit its citizenry, Charleston County and the Low Country region.

**Mr. Burnaford motioned to approve Resolution 2008-1. Mr. Orban seconded the motion. Motion carried unanimously.**

Resolution 2008-2 is a proactive measure to adopt a Debt policy that demonstrates fiscal responsibility and planning. Mayor Wert stated that the Town is not planning on going into debt but needs the policy on the books in case unforeseen financial circumstances.

**Mr. McIver motioned to approve Resolution 2008-2. Mr. Burnaford seconded the motion. Motion carried unanimously.**

## **X. Committee Reports:**

### **Environmental Committee**

No Report

### **Arts Council**

No Report

### **Public Safety**

Mr. Orban stated that surveys have been completed on the mitigation area in Cassique and the design will be reviewed within the week and then forwarded to the Corp of Engineers and OCRM for approval. Mr. Orban stated that he was much more optimistic that an approval will be granted within the next month. The Town also met with Berkeley Electric who will be adding two new circuits of electricity on the Island.

Berkeley Electric's project will presumably begin August 1, 2008 and will last four months. Mr. Orban hopes that the Parkway Project construction will begin in the fall of 2008.

### **Johns' Island Roads**

Mr. Burnaford stated that the conversation on the roads has increased in the last two months and that Mr. Paul Roberts has put together a proposal and recommendation for the Cross Island Expressway which has been presented to the County Council, the Town Councils of Seabrook and Kiawah Island, and Mayor Joseph Riley. Mr. Burnaford read a response letter from Mayor Riley stating: "Thank you very much for visiting with me, Tuesday may 20<sup>th</sup> and presenting so well the thoughts of the Johns Island Expressway. This certainly seems to be the most plausible way to address the traffic challenges on Johns Island; particularly, the very dangerous nature of the Bohicket and River Road." Mr. Burnaford stated that there will be public hearings on this proposal. Mr. Burnaford stated that the Town of Seabrook, the Seabrook Community Association and the Kiawah Island Community Association have given the proposal their seal of approval. Mr. Burnaford urged attendees to contact County Representative Paul Thurmond to let him know their feelings on the road. Mr. Burnaford stated that this Expressway will remove 11,000 trips per day on and off of the island. Mr. Burnaford also stated that the Town is not taking a position on the I-526 issue and is completely separate.

### **Financial Affairs**

Mr. McIver stated that mitigation costs associated with the Kiawah Island Parkway project are an estimate of what it will cost to bulldoze 1.3 acres and then rebuild the proper marsh grasses appropriately. Mr. McIver stated that this was a response to Mrs. Diane Lehder's budget public hearing question. Mr. McIver also thanked Mr. Ken Gunnells for all of his hard work on the budget this year.

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

Mrs. Rucker reminded attendees that June 1 marked the official beginning of the 2008 Atlantic Hurricane Season and the County is operating under OPGON 5. The Town is hosting Annual Disaster Awareness Day at the Sandcastle on June 12 from 10:00am-3:00pm. The Kiawah-Seabrook Exchange Club will be grilling for the event. The Town received a \$40,000 DHEC grant for the expansion of recycling efforts on the Island.

## **XI. Mayor's Report**

Mayor Wert thanked KICA for their efforts with the roads issue. Also, on June 10, 2008 at the Sandcastle, the Community Association will be hosting a public information session on the roads issue. Mayor Wert thanked the Kiawah-Seabrook Exchange Club for the display of flags on Memorial Day. Kiawah Island's Municipal Election is December 2, 2008 with all five seats open. The filing period stars September 3, 2008 and

ends October 3, 2008 at 12:00 Noon. KICA will host a meet the candidates' night on Tuesday, November 18 at the Sandcastle. Mayor Wert announced that he will run for an additional term.

## **XII. Citizens' Comments/Questions**

### **A. Art Morgenstern-164 Marsh Island**

Mr. Morgenstern stated that his views are his personal views and not affiliated with any group. Mr. Morgenstern also asked that he receive a copy of Resolution 2008-1. Mr. Morgenstern stated that he respected the work Paul Roberts has done and that he would like to thank the Mayor and Mr. Burnaford for attending the County meetings. Mr. Morgenstern stated that he felt the process leading up to the passing of Resolution 2008-1 could have been handled differently by: 1) More community notification in order to get the "pulse" and points of view of different voters in order to add value to the Resolution. 2) A better Resolution would have dealt with the entire traffic issue on John's Island. Mr. Morgenstern stated that the work done so far is commendable, but that he feels the resolution could have addressed the overall safety of all of the roads more sufficiently.

### **B. Paul Roberts-141 Grey Fox Den**

Mr. Roberts stated that he would like to correct the number of vehicles reported by Mr. Burnaford to reflect 20,000 trips a day to and from the Island would be eliminated by the Cross Island Expressway.

## **XIII. Council Members Comments**

### **Mr. Alan Burnaford**

Mr. Burnaford stated that he will seek Council re-election in 2008. Mr. Burnaford also reported that the Town has received a letter by a lawyer engaged by the Kiawah Property Owners Group and asked that Mayor Wert read that letter. Mayor Wert stated that the letter was addressed to the Honorable William G. Wert, Mayor of the Town of Kiawah Island in reference to the Freedom of Information Act, the letter is from Mr. Jay Bender with the firm Bender and Ravenel in Columbia, SC. Mayor Wert read, "Dear Mayor Wert, the SC Freedom of Information Act provides that in Sections 30-4-88 that public bodies notify persons who have made a request notice of the dates, times, places and agenda of all meetings of the public body. Public body is defined in the law to include not only the Town Council, but committees of the Council. It is my understanding that representatives of the Kiawah Property Owners group have requested notification of meetings in accordance with the requirements of the Freedom of Information Act but the Town has failed to provide the required notice. The failure to provide notice of the meetings is a violation of the law that would give way to possible criminal prosecution or civil litigation. The members of KPOG are far less interested in litigation than in receiving notice of meetings. I would hope that this letter would result in notice being provided in advance of meetings, generally and specifically to those persons who have requested it. I would be happy to discuss my interpretation of the law with your Town's attorney if there is a dispute regarding the points that I provided. Very Truly Yours, Jay Bender."

**Mayor Wert**

Mayor Wert reported that Counsel has written a letter to Mr. Bender explaining in detail the multiple ways in which the Town does notice meetings. That letter was written on May 5, and no response has been received from Mr. Bender, to date. The letter that Mr. Rhoad wrote detailed all of the different ways that the Town informs the public. Mayor Wert stated that this is the first time in his six years as Mayor that anyone has challenged the way meetings have been noticed. At this time, the Town is awaiting a response.

**Mr. Donald McIver**

Mr. McIver stated that he would like to sincerely thank the current council and Dennis Rhoad for being true gentlemen and treating everyone with the utmost of respect. Mr. McIver stated that all disagreements were handled in a very polite deliberation. Mr. McIver also thanked Town Staff for their support over the years and stated that the group of Town Staff is truly talented. Mr. McIver stated that residents and property owners are incredibly lucky to have the staff of Kiawah Island working for them. Mr. McIver challenged this and future Councils to always keep the Comprehensive Plan's guiding tenet in mind; Kiawah Island is a residential community with a Resort. Mr. McIver stated that Council needs to resist commercial pressures and guard the residential areas and quality of life with the veracity of a pit bull. Mr. McIver also suggested that the Town should not continue to ignore the challenges at the front door of Kiawah. Mr. McIver stated that the land along the parkway between the bridge and the roundabout will be developed; not if, but when. Mr. McIver stated that that property is currently under County Zoning and anything could be built there. Mr. McIver stated that a portion of this property could go a long way at solving some of KICA's long range needs for amenities and provide a more efficient pass office. Mr. McIver believes the Town can be proactive with respect to the property or wait until it is too late. Mr. McIver thanked those in attendance for allowing him to say a public thank you and share his observations and challenges.

**Mr. G. Steven Orban**

Mr. Orban stated that the Town's 20<sup>th</sup> Anniversary Party will be on September 13, 2008 on a Saturday. Mr. Orban stated that there will be a limited number of speeches and it will be a great party; not a political event.

The Emergency Management Committee met on May 21st to discuss responsibilities of entities during the event of an emergency. Mr. Orban stated that Mr. McIver's financial effort and management for the Town has been greatly appreciated.

**Mayor's Closing Remarks:**

Mayor Wert stated that he and Mr. McIver have worked very well together for the past six years and he has been invaluable as the Town's financial arm and stated that the Town owes him a great debt. Mayor Wert also stated that Mr. McIver did a great job by hiring Mrs. Rucker and Mr. Gunnells.

**XIV. Adjournment:**

**Mr. Burnaford motioned to adjourn the meeting at 3:01PM. Mr. McIver seconded the motion. Motion carried unanimously.**

**Submitted by** \_\_\_\_\_  
Catherine Wilson, Town Clerk

**APPROVED:** \_\_\_\_\_  
William G. Wert, Mayor

**DATE:** \_\_\_\_\_

CC: Mayor Wert  
Dennis Rhoad, Esq.  
Tumiko Rucker, Town Admin  
Town Council Members  
Town Treasurer  
Planning Commission