

**Town Council Meeting  
Kiawah Island Municipal Center  
Council Chambers  
May 5, 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 Minutes of April 7, 2009**

**Mr. Burnaford motioned to approve the minutes of April 7, 2009. Mr. Orban seconded the motion. The minutes were approved unanimously.**

**VI. Old Business**

**A. Second Reading-Ordinance 2009-4, Kiawah Island Parkway Financing**

An Ordinance authorizing the issuance and sale of a general obligation bond not exceeding \$2,500,000 and a general obligation bond anticipation note not exceeding \$2,500,000. These funds will be used for the costs associated with the Parkway and Bike Path Project.

**Mr. Burnaford motioned to approve the second reading of Ordinance 2009-4. Mr. Orban seconded the motion.**

Mayor Wert stated that based on the quotes from the Parkway and Mitigation Project he feels that the Town can proceed without a bond. Mr. Burnaford stated that he agrees with

the Mayor. Mr. Orban stated that the bids for the mitigation work are around \$60,000 and the Parkway construction bid is near \$1.3 Million. The only quotes remaining are for engineering, inspection, landscaping, and irrigation. Mr. Orban stated that he feels that the whole project will be less than \$2.5 Million which is around \$2 Million less than the first estimates. Mr. Orban concurred with the Mayor and Mr. Burnaford that there is no need for a bond.

**After discussion, the motion failed unanimously.**

Mayor Wert instructed Town staff to inform Wachovia that Council will not proceed with the bond.

**B. Second Reading-Ordinance 2009-5, Fiscal Year 2009-2010 Budget**  
**Mr. Orban motioned to approve the second reading of Ordinance 2009-5. Mr. Lipuma seconded the motion.**

Mayor Wert stated that the budget is used for financial planning purposes and it is the Town's best estimate of projected revenues and expenditures. All items have been reduced and some had to be eliminated to meet the balanced budget requirement. Expenditures that were eliminated include donations to the Kiawah Island Nature Conservancy, the Charleston Symphony Orchestra, and the Town's Charitable Contributions Fund. Mayor Wert explained that if revenues are higher than projected, Council has the authority to revisit expenditures but for now, the budget is the best financial forecast to use. The budget year begins July 1, 2009.

Mr. Lipuma asked if the budget was correct in stating backdoor service fees are reducing from \$167 to \$164. Mr. Gunnells stated that is correct, the amount is reduced by \$3.

**After discussion, the motion carried unanimously.**

## **VII. New Business:**

### **A. Suburban Disposal Contract**

Mrs. Rucker explained that the Town reviews the existing contract with Suburban Disposal annually. The contract has an escalation clause that allows for a rate increased based upon the Southeaster Consumer Price Index. Based upon the CPI, the Town does not recommend an increase for 2010. Mrs. Rucker notified Suburban Disposal of the Town staff's recommendation by letter on April 6, 2009. To date, no response has been received.

**This item required no action by Council and was presented for information only.**

### **B. Parkway/Bike Path Contract Award**

Mayor Wert stated that the contract includes work on the roadway and building of the bike path. Mr. Orban stated that the Town received seven bids for work on the bike path and bridge. The contract does not include landscaping, irrigation, or other additional attributes to the project. Bids ranged from \$1.2 Million to nearly \$1.7 Million. Mr.

Orban stated that the lowest bidder was Gulfstream Construction with a bid of \$1,225,586.36. The Ways and Means Committee recommended award to Gulfstream after de-scoping. Mrs. Rucker, Mr. Orban, and Mr. Dupree met with Gulfstream on Friday, May 1 to de-scope the contract. Plans are to give Gulfstream a notice to proceed during June to allow Berkeley Electric time to move ahead with their duct line installation. Mr. Orban stated that he recommends that Town Council award the project to Gulfstream so that they may begin ordering materials for the project.

**Mr. Orban motioned to award the Kiawah Island Parkway Project Contract to Gulfstream Construction Company for an amount of \$1,225,586.36 and to withhold the Notice to Proceed until a later date. Mr. Lipuma seconded the motion.**

Mr. Lipuma asked if the landscaping and irrigation contracts will come to Council. Mr. Orban replied yes and stated that the Town will be working with the engineer to develop a proper time for landscaping and irrigation work to begin. The roadway and bike path project will be completed by Labor Day and landscaping work may go into the fall.

Mayor Wert stated that other work will come to the Council in other contracts to be awarded to the lowest qualified bidder.

Mr. McHugh stated that the Environmental Committee recommended the use of rubberized asphalt that is more porous and better for the environment. Mr. Orban stated that the Town is using the rubberized asphalt around 4-5 of the larger oak trees to allow for better water drainage.

**After discussion, the motion carried unanimously.**

### **C. Beach Parking Lease**

**Mr. Lipuma motioned to approve the Beach Parking Lease. Mr. Orban seconded the motion.**

Mr. Lipuma used the Beach Parking Exhibit to display to the map of the 30 parking spaces at the eastern parking lot of the Ocean Course. There will be signs directing pedestrians to the beach. There is an existing defined path used by pedestrians and bicyclists that does not cut through or go over dunes. This path will be left natural sand. Persons using the parking lot will have access to the restroom facilities. Mr. Lipuma stated that the license allows for an alternative parking location to be identified if future parking lot use is over 50% diners and golfers for the Ocean Course.

**After discussion, the motion carried unanimously.**

Mayor Wert stated that the Emergency Vehicle Access Agreement allows for the Town's use of the road for emergencies and the Town holds harmless and indemnifies the Resort for the use of the access.

**Mayor Wert motioned to approve the Emergency Beach Access Agreement. Mr. Lipuma seconded the motion. The motion carried unanimously.**

**D. Resolution 2009-3-FY 2010 Project Impact Updates**

Mrs. Rucker stated that the Town annually submits their action plan to the county as part of the Community Rating System. The Town's Action Plan will become part of the overall action plan for Charleston County.

**Mayor Wert motioned to approve Resolution 2009-3 to accept the revised 2009-2010 Action Plan. Mr. Burnaford seconded the motion. The motion carried unanimously.**

**E. Ways and Means Meeting Time Change**

**Mayor Wert motioned to change the Ways and Means Meeting time to 9:00am; the dates will not change. Mr. McHugh seconded the motion. The motion carried unanimously.**

**F. Appointment of Planning Commission Member**

Mayor Wert stated that Mr. John Strauch has been selected to fill the vacant seat left by Wayne Juchatz. Mr. Juchatz moved to Cassique and no longer owns property on Kiawah.

**Mayor Wert motioned to appoint John Strauch to the Planning Commission to fill the unexpired term of Wayne Juchatz. Mr. Orban seconded the motion.**

Mr. Burnaford stated that he had known Mr. Strauch for many years and that he is a dedicated person and wants to keep Kiawah the way it is. Mr. Strauch will be the only attorney on the Commission.

**After discussion, the motion carried unanimously.**

**VIII. Committee Reports:**

**Arts Council**

The Piccolo Preview had over 700 attendees and was well publicized across the region. Blues in the Night takes place Sunday, June 14 at the River Course and requires a ticket purchase of \$25.00.

**Environmental Committee**

Mr. McHugh stated that the Resort won an award from DHEC for the SC Smart Business Recycling Program for outstanding performance and dedication in reducing waste and promoting recycling. There are currently 17 documented Osprey nests on island. The KICA Lakes Department applied an herbicide application on Bufflehead pond to reduce the volume of Wedgeongrass. Turtle season is underway and no nests have been

identified to date. Ten bobcats have been collared and two dens found with a total of five kittens.

### **I-526**

Mr. Burnaford stated that there is a meeting concerning I-526 extension, May 5 at the Johns Island High School. Mr. Burnaford, Mayor Wert, and Mr. Roberts plan to attend. Mr. Roberts continues to meet with groups to discuss the Johns Island Roads Issues.

### **Johns Island Council**

Mr. Burnaford stated that he did not attend the last meeting as he was out of town.

### **Dog Incident**

Mr. Burnaford reported that a bike rider was attacked by a dog while on his bike. The dog was not under voice command nor on a leash. Mr. Burnaford stated that the Town ordinance requiring dogs be on their leashes or under strict voice command will be enforced.

Mayor Wert stated that the rider dislocated his shoulder and stated that if he had not had his helmet on, he may have been killed. The biker is an avid fundraiser and will not be able to participate in charity bike rides due to his injuries. This issue will be discussed in Town Notes and persons who do not obey the dog ordinance will be punished.

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

Mrs. Rucker stated that the recycling program is slated to begin July 1 and all residents will be able to recycle. The Town has placed two recycling dumpsters on island; one on Sora Rail and another at Town Hall. The dumpster at Town Hall had 940 lbs of paper and 1,060 lbs of comingles. The dumpster at Sora Rail had 960 lbs of paper and 1,300 lbs of comingles. The Town is very pleased that they are actively being used and encourages the use of the sites. Mrs. Rucker congratulated Rusty Lameo who is now a DHEC certified Recycling Professional. The annual Disaster Awareness Day will be held on Thursday, June 4 at the Sandcastle from 10:00am – 2:00pm. The Town is partnering with Seabrook and both Kiawah and Seabrook residents will take part. The Town will host a recycling public information meeting series on May 20 from 10:00am-12:00pm at Town Hall and June 17 from 1:00pm-3:00pm at the Sandcastle. The Town hosted a document shredding day on April 15 and collected over 10,000 lbs of paper. The shredding truck's sides were bulging from the amount of recycled paper. The Town collected 200 lbs of debris and recycling during the roadway cleanup. Mrs. Rucker thanked the volunteers and asked for continued participation.

Mr. Lipuma asked if the dump at Sora Rail is supposed to have combined paper and cardboard materials. Mrs. Rucker replied that the new cardboard dumpster is located at Town Hall and it is separate from the paper bins.

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

Mayor Wert stated that the I-526 Hearing is tonight at St. Johns and DOT will offer six options. Mayor Wert attended a Concourse Car Show and hopefully this event may take

place on Kiawah in the future. This would bring visitors to the island along with hundreds of cars with a minimum value of half a million dollars. The Parkway work will be repaved at night to have a minimal traffic effect and the Town does not want to postpone this project any longer.

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

**Wendy Kulick, 38 Marsh Edge Lane**

Mrs. Kulick asked the following suggestions/questions:

1. Suggested next year's budget could have an additional column listing year to date expenses for the budget.
2. Asked Mrs. Rucker to ask vendors to consider taking #1 and #2 plastic items such as plastic vegetable containers.
3. Asked Mrs. Rucker if the reported recycling numbers were different than the numbers from before the new dumpsites.
4. Suggested that the Town Council add an additional place for Citizen Presentations to allow citizens to speak to Council prior to a vote.

**XII. Council Members Comments**

**Mr. Lipuma**

Mr. Lipuma stated that Mrs. Rucker wanted to thank the Resort for allowing the use of their trailer to haul-off one ton of collected e-waste.

**Mr. Burnaford**

Mr. Burnaford stated that he wants people to understand the arbitrary decision making process of OCRM regarding the 40-Year setbacks and baselines. He also stated that at the hearing, OCRM notified those in attendance that a decision would be made the next morning and that setback lines for all entities, except for Kiawah, went into effect the very next morning. Mr. Burnaford explained that the new lines would have a major effect on Eugenia, the condos to the east and west of the Ocean Course, and the Sanctuary. He stated that OCRM has 30 days, which expires May 6, to make a decision and the Town will notify citizens when they hear of any decision.

**Mayor Wert**

Mayor Wert stated that both the State House and Senate representatives have promised to follow up on the current state law that allows OCRM to make decisions without notifying municipalities. Both Leon Stavrinakis and Glenn McConnell have their staff working on legislation that will require OCRM notify governing bodies of potential decisions that will have an effect inside of their jurisdictional lines.

**Mr. McHugh**

No Comment.

**Mr. Orban**

Mr. Orban stated that he does not like the appearance of the traffic directional signs as you enter the island and wants to look into getting a better quality sign. Mr. Lipuma and Mr. McHugh agreed with Mr. Orban. Mr. Orban and Mr. McHugh will work with the Community Association on this item.

**XIII. Executive Session-Legal-Contractual Matters**

**Mr. Burnaford motioned to enter into executive session at 2:46pm. Mr. Orban seconded the motion. The motion carried unanimously.**

**No votes or actions were taken during executive session.**

**XIV. Adjournment:**

**Mayor Wert motioned to enter into open session at 3:25pm. Mr. Lipuma seconded the motion. The motion carried unanimously.**

**Mr. Lipuma motioned to adjourn the meeting at 3:27 pm. Mr. Orban 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**