

**TOWN COUNCIL MEETING
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
SEPTEMBER 1, 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. Ordinance 2009-6 Public Hearing Minutes for August 4, 2009

Mr. Orban motioned to approve the minutes for the Ordinance 2009-6 Public Hearing. Mr. Lipuma seconded the motion. The motion carried unanimously.
- B. Ordinance 2009-7 Public Hearing Minutes for August 4, 2009**

Mr. Burnaford motioned to approve the minutes for the Ordinance 2009-7 Public Hearing. Mr. Lipuma seconded the motion. The motion carried unanimously.
- C. Town Council Meeting Minutes for August 4, 2009**

Mr. Burnaford motioned to approve the minutes for August 4, 2009. Mr. Lipuma seconded the motion. Mr. Orban replaced the word “beach” with the word “leash” on page 3. With that change, the minutes were approved unanimously.

VI. Old Business:

A. Second Reading-Ordinance 2009-6-Amendments to Article 16 Relating to the Control of Pets

Mayor Wert stated that a Public Hearing was held on September 1 at 1:00pm and no comments were received.

Mr. Lipuma motioned to approve the second reading of Ordinance 2009-6. Mr. Orban seconded the motion.

Mr. Orban stated that he would like to see the words “under voice command” added to the map legend.

Mr. Rhoad stated that the text of the ordinance includes “under voice command.”

Mr. Orban motioned to add “under voice command” to the map.

Mayor Wert called for a vote on the amendment to add “under voice command.” The motion carried unanimously.

Mayor Wert called for a vote to approve the second reading of Ordinance 2009-06. The motion carried unanimously.

B. Second Reading-Ordinance 2009-8-Article 17, Tidelands Management

Mr. Lipuma motioned to approve the second reading of Ordinance 2009-8. Mr. Burnaford seconded the motion. The motion carried unanimously.

VII. New Business:

A. Arts Council Annual Report

Mr. Lipuma stated that this is the 5th annual report of the Arts Council. There were a variety of events including: chamber, blues, jazz, and gospel, and ballet. Mr. Lipuma stated that many events had standing room only.

The newest members to the Arts Council are Linda Morganstein and Ellie Burnaford. Mr. Lipuma emphasized that running an event can be a formidable undertaking and requires a lot of work, time, and attention to detail. Mr. Lipuma sincerely thanked all of the Arts Council members and staff assistant Stephanie Braswell for their hard work.

Mr. Orban asked the average attendance levels for Arts Council events. Mr. Lipuma stated that this season has had the highest attendance levels and averaged around 90% to 100% attendance.

Mayor Wert thanked Mr. Lipuma for all of the work from the Arts Council.

B. Budget Amendment

Mrs. Rucker stated that the proposed budget amendment amends the FY 2009-2010 budget on three line items; vehicle repairs, contingency, and solid waste. These changes are required due to anticipated increases in vehicle maintenance and costs related to the expansion of the solid waste program.

Mr. Burnaford motioned to approve the first reading of Ordinance 2009-9. Mr. Orban seconded the motion. The motion carried unanimously.

C. Kiawah Island Parkway/Bike Path Change Orders

Mr. Orban stated that this is to approve a recommendation from the Ways and Means Committee to authorize Councilman Steve Orban and Mayor Wert approval authority up to \$50,000 on change orders for the Kiawah Island Parkway project. He explained that this is needed to facilitate timely approval of the change orders as Town Council meets only once per month. He noted that during the Roundabout Project he had authorization to approve change orders up to \$50,000. He stated that to date there have been three change orders, each below \$50,000.

Mr. Orban motioned to approve Mr. Orban or Mayor Wert the authorization to approve change orders up to \$50,000 and to approve the three change orders that have already been presented. Mr. Lipuma seconded the motion.

Mayor Wert added that any change orders over \$50,000 will be brought to full Town Council for approval and under \$50,000 will be presented for information.

Mayor Wert called for a vote on the motion. The motion carried unanimously.

D. Sea Island Greenway Alignment and Cost Study

Mr. Burnaford thanked Mr. Paul Roberts for the input he has had on the Sea Island Greenway issue. The Finance Committee of the County Council voted to send the study to County Council for a vote on September 1, 2009. If approved, this study will determine a path for the greenway and provide more accurate cost estimates. Mr. Burnaford explained that this study will provide facts that will determine if there should be a greenway and if so, where it should be placed. Mr. Burnaford stated that by approval of this item, the Town will forego applying for the \$200,000 that has been approved for the Parkway Project, from the County.

Mr. Orban motioned that the Town of Kiawah Island agrees to not apply to Charleston County for up to \$200,000 of the monies Charleston County has appropriated to assist the Town of Kiawah for construction of the Kiawah Island Parkway/Bike Path improvements.

These monies shall be used to pay for consulting services which will determine alignment and estimated costs for the proposed Sea Island Greenway. Should the County Council vote not to proceed with this study, then the above monies will be requested for the Parkway Construction by the Town of Kiawah as originally appropriated. Mr. Burnaford seconded the motion.

Mr. Lipuma asked if there are any plans to ask KICA or Seabrook Island to participate financially. Mr. Burnaford stated that he has already contacted the POA of Seabrook and Town of Seabrook. He noted that the Seabrook POA, Town of Seabrook, and KICA have been active participants on this item.

Mr. Lipuma stated that if the Town is going to be funding the study, it should be strongly suggested to the County that both Mr. Roberts and Mr. Burnaford are involved.

Mr. McHugh stated he thinks that these monies are much better used to conduct the study so that the broader communities can make the proper decision to go forward, or to not go forward, with this project. He stated that the \$200,000 is not currently included in the Town's budget.

Mr. Orban stated that the Town has been the leading proponent for the Greenway. He thinks it is important to not only the Town of Kiawah but also the community of Seabrook and Johns Island. He stated that Charleston County Council must be fully behind the support of this project and he hopes this study can achieve that support. Mr. Orban also stated that he feels some of the current cost estimates have been excessive.

Mr. Burnaford stated that the name of the roadway has changed names several times and that he would like to explain the Greenway. He explained that this is a study to look at construction of a limited access, 300 feet wide roadway with bike path and possible equestrian trails. There has been and is a lot of misinformation around this roadway. He stated that this study will illuminate everyone on what is being looked at and provide accurate pricing estimates.

Mayor Wert stated that he wants to be clear that the Town's approval of this expenditure does not guarantee that the Greenway will be built. He stated that it is for a study that will show facts and that is all the Town has been asking for. This will allow for a review of facts to make an informed and correct decision. He stated that all the Town wants is to gather facts that will help make a final decision on the appropriate ways to reduce traffic on Johns Island roads.

Mayor Wert called for a vote on the motion. The motion carried unanimously.

E. Parkway Update

Mr. Orban stated that the bridge is essentially done and wide enough for two bicycles to pass. There are nine feet between the railings. The bike path will be paved during the latter part of September. In October, the main roadway will be repaved after the Mid Am Golf Tournament. The landscaping is out for bid and bids are due by September 15. Presuming the bids are appropriate, the landscaping bid will be awarded and finished soon. He stated that the Parkway Project is moving along much better than a month and half ago and he is very pleased with the project.

VIII. Committee Reports:

Solid Waste/Recycling Update,

Mr. McHugh stated that the Solid Waste Ordinance was been tabled and a Committee is working on a revised Ordinance. The Committee is hoping to get feedback by September 9 and come together to initiate the program by January 1. Mr. McHugh extended an invitation to anyone that wants to join the Committee.

Public Safety,

Mr. Orban stated that he would like to review a final draft of the Leash Ordinance Map. Mr. Rhoad stated that the text of the Ordinance includes the language “under voice command.” Mrs. Rucker stated that she will get the map text updated.

Arts Council,

Mr. Lipuma stated that the 2009-2010 Arts Season opens with Fredrick Moyer’s Jazz Arts Trio on September 30. He explained that this is a bit of an early start given the risk of storms but Moyer’s availability was too good to let pass.

IX. Town Administrator’s Report:

Mrs. Rucker stated that she has been working with Mr. Orban and Mr. Lipuma with the Parkway Project and it is going along well. She stated that she has also been working with Mr. McHugh on the recycling project and would like to clear up some possible confusion. She explained that last week the Town sent a letter to various regime homeowners and as a result of a computer error, some subdivision names were incorrect. However, she wanted to clarify that the property owners in the following regimes will receive a 35 gallon roll-out recycling container beginning on August 14-23: Inlet Cove, Greenslake, Night Heron, Sparrow Pond, and Ocean Woods. The first collection date will be Monday, September 28.

Mrs. Rucker is also working on the CRS with Charleston County. This is a five year review that involves both state and federal agencies. She hopes that this review will accomplish receiving and additional 250 points and that will reduce insurance rates by an additional 5%. She explained that due to some of the

changes the State has implemented in the Community Rating Program that the Town feels they may be eligible for increased ratings. Mrs. Rucker will be working with the fire department, Community Association, and other island entities to coordinate all emergency response plans for the five year review.

X. Mayors Report

Mayor Wert stated that he is pleased to announce that he spoke with Barbara Neal, a supervisor at OCRM, concerning the proposed setback lines. Mrs. Neal stated that OCRM will have a response within the next two weeks. She would not discuss the appeal in any detail.

The Town has been approached by KPOG to allow commercial entities to subscribe to the “Welcome to Kiawah” website to defray costs. He stated that the Council feels that a 10% savings would not offset the detrimental effects of such a change and that it would create a slippery slope and less control over the website. At this time, the Town will not approve of adding any commercial entities to the website. He stated that the original intent did not allow commercial entity subscription to the website. Mayor Wert stated that the Council will inform KPOG of their decision.

XI. Citizens’ Comments:

A. Paul Roberts, 141 Grey Fox Den Court

Mr. Roberts thanked the Council for the vote to approve the Sea Island Greenway study. Mr. Roberts stated that the reason another study is needed is that in the past, all of the previous location studies only represented a concept. This study will provide facts and a much better cost estimate. He stated that the previous cost estimate was a number that was just floated out during a County Council meeting where the Council pressed Chris Christenson, Trans Systems Representative, for a price estimate. Mr. Roberts stated that this alignment study will provide much needed facts for the Greenway discussion.

B. Kelly Bragg, 176 Marsh Island

Mrs. Bragg stated that she is in zone three for the Turtle Patrol and they had a major telephone pole in the way of a nest last week. She explained that it only took one phone call to the Mayor and it was taken care of. She expressed her thanks and the “thanks from the Turtles,” for getting the job done very quickly.

C. Wendy Kulick, 38 Marsh Edge Lane

Mrs. Kulick asked if there was any information on the number of power outages in the past few weeks. She asked why the power outages are happening and if it is related to work on the bike path? She stated that she wants to make sure that she understands correctly the paying for the Greenway study and asked if the Town is “hoping” that KICA, Seabrook POA, and the Town of Seabrook will contribute financially but they have already contributed in time and effort? She stated the last thing comment is relating to the landscaping for the parkway. Mrs.

Kulick explained that she attended the August Ways and Means Meeting and that Mr. Arrington., KDP, made a presentation for the landscape design. Mrs. Kulick stated that during that meeting Mr. McHugh stated that just because there may be more money available in the landscape budget because the bike path contract bids came in below estimates, does not mean that it should necessarily be spent. Mrs. Kulick stated that Mr. McHugh's comment was very important for everyone to consider.

XII. Council Member Comments:

Mr. Lipuma,

Mr. Lipuma stated that with Hurricane Bill passing off shore, there was almost no erosion from the rough surf.

Mr. Orban,

Mr. Orban stated that regarding the recent power outages, there were lightening strikes that hit substations and that has been the main reason for some of the outages. The Parkway Construction has not caused any outages to date.

Mr. McHugh,

No Comment.

Mr. Burnaford,

Mr. Burnaford stated that September is the peak month for hurricanes and requested that all keep their guard up. He stated that Mrs. Rucker is in communication with Charleston County Emergency Preparedness and will be among the first to know when there is threat of severe weather. During any threat of sever weather, a Code Red alert will be sent to all subscribers. NOAA's website is great information for checking paths, storms, and projections.

XIII. Adjournment:

Mr. Lipuma motioned to adjourn the meeting at 2:48pm. Mr. Orban seconded the motion. The motion carried unanimously.

Submitted by,

Catherine C. Wilson, Town Clerk

Approved by,

William G. Wert, Mayor

Date _____