

**TOWN COUNCIL MEETING
KIAWAH ISLAND MUNICIPAL CENTER
COUNCIL CHAMBERS
September 9, 2008, 2:00 PM
Minutes**

I. Call to Order: Mayor Wert called the meeting to order at 2:00 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: Alan L. Burnaford, Mayor Pro Tem
Charles R. Lipuma
G. Steven Orban

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

V. Mayor Wert motioned without objection to remove item XIV Executive Session from the agenda.

VI. Approval of Minutes:

A. Town Council Meeting: August 5, 2008

Mr. Lipuma motioned to approve the August 5, 2008 minutes; Mr. Burnaford seconded the motion. Mr. Burnaford and Mr. Lipuma made non-substantive changes to the minutes. With those changes the minutes were approved as submitted.

VII. Citizens Presentation:

A. Pamela Cohen, 380 Green Wing Teal

Mrs. Cohen, a biologist and professional landscape and nature photographer, expressed her opinion on the proposed east end parking lot and beach access. Mrs. Cohen stated that

alterations to this area would create a loss of critical environmental habitat for shore birds of Kiawah Island. Mrs. Cohen stated that building a parking lot in this area is strongly ill-advised and that it would negatively affect the Least Turn population. Mrs. Cohen stated that the Least Turn is on the state of South Carolina's threatened species list and nest in only three locations in South Carolina; Kiawah being one. Mrs. Cohen expressed her opposition to the east end parking lot.

VIII. Old Business:

None

IX. New Business:

A. Awarding of Landscape Contract

Mayor Wert stated that the Ways and Means Committee recommended deferring the awarding of the landscape contract until more information could be gathered.

Mayor Wert motioned without objection to defer the awarding of the landscape contract until the next Town Council meeting.

B. Awarding of Debris Monitoring Contract

Mrs. Rucker stated that a professional consultant is required to monitor the operations of the debris removal contractor to ensure that work is being performed as required by the contract and as prescribed under the FEMA-325 Debris Management Guide. The monitoring company is required to: 1) Monitor debris clean up operations; 2) collect and compile debris clean up data; and 3) document observed areas needing maintenance repairs. Mr. Orban stated that the Town advertised the Debris Management RFP on two separate occasions and received only one respondent. Mr. Orban also stated that costs are reimbursed by FEMA. The Ways and Means Committee unanimously recommended PBS&J as the Town's Debris Monitoring Company.

Mr. Orban motioned to award the debris monitoring contract to PBS&J. Mr. Burnaford seconded the motion. The motion carried unanimously.

C. Request for Funding-Our Lady of Mercy Outreach

Mayor Wert asked Mrs. Rucker to notify Our Lady of Mercy Outreach of the Town's Community Outreach Policy and stated that their funding application will be reviewed during the scheduled December 1, 2008 Community Outreach Application Review by the Ways and Means Committee.

D. CodeRed Weather Warning Proposal

Mr. Orban stated that the Ways and Means Committee did not recommend approval of the CodeRed Weather Warning Proposal and felt that no additional value would be gained by adding the service. Mr. Burnaford stated that the current CodeRed service will not be affected and residents will continue to receive phone calls during emergency events.

Mayor Wert motioned to reject the CodeRed Weather Warning Proposal. Mr. Orban seconded the motion. The motion carried unanimously.

E. Off Site Record Storage Proposal

Mayor Wert stated that the Ways and Means Committee requested more information on how similar sized Towns are handling off site record storage and associated costs.

Mayor Wert motioned without objection to defer Off Site Storage Proposal until the next Town Council meeting.

F. Thomas and Hutton Proposal for Design Services for Beach Parking Lot

Mr. Lipuma stated that Thomas and Hutton Engineering submitted a proposal for the design of the beach parking lot. This parking lot will have an emergency access to the beach, coquina shelling, and 30 parking spaces. Mr. Lipuma also stated that in 2000, KRA submitted a proposal to OCRM to construct a parking lot east of the old clubhouse. Mr. Lipuma explained that KRA's permit was denied in 2000. Mr. Lipuma also stated that he feels the Town must exercise due diligence on behalf of the property owners and does not know if OCRM will approve or deny the application but property owners have pushed for this parking lot. Mr. Lipuma stated that the Town cannot speculate as to what OCRM will do and if it is denied again, a backup decision may need to be made. Mr. Lipuma stated that he understands that there are strong sentiments, both for and against this parking lot, and that the Town will let the situation play out the best they can. Mr. Orban stated that the Ways and Means Committee unanimously recommended that the Town appropriate \$20,000 from the Local Accommodation fund to Thomas and Hutton Engineering for engineering, design, and permitting services for the beach parking lot. Mr. Orban also stated that the beach parking lot has been an obligation for many years and that while he understands the opposition to the construction, he also understands that property owners want to have a beach parking lot for their use. Mr. Lipuma noted that under the Development Agreement terms, the parking lot will only be used for a portion of the year; during the summer, not the winter.

Mr. Orban motioned to appropriate not more than \$20,000, from the Local Accommodations Tax Fund, to Thomas and Hutton Engineering for design, engineering, and permitting services associated with the beach parking lot. Mr. Lipuma seconded the motion. The motion carried unanimously.

G. Kiawah Island Parkway and Bikepath Project

Mr. Orban presented a chronology of events (attached) pertinent to the bikepath project and stated that he presented this item for discussion purposes and that no decision needs

to be made during the meeting. Mr. Orban explained that the Town is currently at a stalemate on this project due to lack of permitting and KDP's failure to approve current designs. Mr. Orban explained that the Town has two options: 1) Design the project to suit KDP; spending more money, time, etc. and an end product that is less desirable from a public safety standpoint; 2) Simply repave the Parkway using no wetland areas and improve the curves and pavement on the shoulders.

Mr. Orban stated that KDP is asking \$250,000 for the piece of land proposed for mitigation. Mayor Wert stated that the 2005 Development Agreement requires that KDP pay the Town \$250,000 for part of the costs for roadway construction and that KDP is essentially asking the Town to accept the proposed mitigation land as payment in full of the \$250,000.

Mr. Lipuma asked if the repaving option would include new landscaping. Mr. Orban stated that it could.

Mr. Lipuma also stated that from a safety standpoint, he feels that the handrails should be higher and that curbing is essential.

Mr. Burnaford stated that Town Council will not recommend any design that they feel is unsafe but he has personal doubts of a curb's ability to stop a car, traveling at 45 MPH, from crossing into the path. Mr. Burnaford stated that he would approve the design with or without curbs because a bikepath with 5-6 feet of separation from the roadway is much safer than the current roadway.

Mr. Orban stated that he very strongly feels that curbs are important safety devices because they visually set the roadway for drivers. Mr. Orban also stated that curbs can be seen all over the Island and Freshfields. Mr. Orban explained that the Town offered to remove the curbs from the outbound lane but feels they are important in all other proposed locations. Mr. Orban also stated that the Town designed the bridge with wooden posts and a metal bridge in between that does not obstruct vision. Mr. Orban stated that he is "chagrined to see the objections from KDP so tantamount to not doing the job."

Mayor Wert stated that some things do not occur as fast as one hopes they will and that the Town will have residents, both permanent and nonpermanent, and visitor's safety in the forefront of any decision. Mayor Wert explained that he did not feel comfortable designing a bikepath that will be 2-3 feet above the elevation of the roadway and feels that the equal path heights are more suitable. Mayor Wert also stated that he feels it will be possible to design guard rails that are both aesthetically pleasing and functional. Mayor Wert explained that he is torn on the idea of curbs because he can see the safety issue as addressed by Mr. Orban and Mr. Burnaford's doubts of curbs ability to stop a vehicle from entering the bikepath. Mayor Wert stated that he feels that not having curbs on the outbound lane past the bridge would be suitable.

Mayor Wert stated that this discussion allows residents and attendees to know where the Council stands with the Parkway/Bikepath Project and that they will try within the next 30-60 days to come to an agreement with KDP. Mayor Wert noted that the Parkway deed states that KDP has veto rights for architectural aspects on the Parkway.

H. Arts Council 2007/2008 Season Program Evaluation

Mr. Lipuma presented the 2007/2008 Season Program Evaluation to the Council and stated that this past season focused on the following series: Classical (Concert and Chamber), Jazz, Women in Music, Local Culture, and Sandcastle Coffeehouse events. Mr. Lipuma stated that all events were well attended and received. The Arts Council finished \$1,300 under their \$100,000 budget. Mr. Lipuma also mentioned that Mr. Sid Williams retired during the 2007/2008 season and that his contributions were greatly appreciated and will be missed.

Mayor Wert stated that the 2007-2008 Season Program Evaluation was very thorough and detailed and suggested that everyone read the document. Mayor Wert also stated that the Arts Council is very beneficial to the community and is a terrific Committee.

X. Committee Reports:

Environmental Committee

Mr. Lipuma stated that he surveyed the beach after Tropical Storm Hanna and that he saw no dune scarring or signs of erosion. Mr. Lipuma stated that overall, the beach appeared normal after the storm.

Mr. Lipuma stated that Mr. Leonard Long and Mr. Mark Permar did not attend the Environmental Committee meeting. Mr. Lipuma prepared two fact sheets; one on Captain Sam's Inlet Development and one on the proposed revetment. Mr. Lipuma stated that approximately 50 people attended and participated in the Environmental Committee's discussion of both fact sheets.

There were two bobcat wildlife calls; a sighting of bobcat kittens at 107 Surfscotter and a VHF collared bobcat killed at the entrance to the Ocean Course. This bobcat had originally been collared in 2004. Piping Plover surveys have been completed. Mr. Jordan is in the process of completing a bobcat management plan which will assist the Conservancy with land management and conservation decisions. KICA has purchased a Tallow Tree injector to assist eliminating the invasive species from the Island.

The Town will host their quarterly Parkway/Beachwalker Clean-Up day on September 12 from 9am-12pm. Volunteers will be served lunch.

Arts Council

Mr. Lipuma stated that 2008 events, covering October-December will be published in the October edition of Town Notes and on the Town's website. Fredrick Moyer will perform

October 12, 2008 at 4:00PM at the Episcopal Church of Our Savior. Mr. Lipuma also reported that Mrs. Gloria Fenning resigned from the Arts Council.

20th Anniversary Celebration

Mr. Lipuma reported that the Town's 20th Anniversary Celebration will be held on Saturday, September 13, 2008 from 3:45pm-7:00pm at the Sandcastle. To date, there are approximately 430 RSVP's. The event will be catered by Hamby's Catering with music by the Island Trio and Heart and Soul bands. Angel Oak Children's Choir will welcome guests at 3:45pm.

Planning Commission

Mr. Burnaford announced that he is the new liaison to the Town's Planning Commission and that they have not met within the past 30 days. No report was given.

Sea Island Issues

Mr. Burnaford stated that he and Mr. Paul Roberts, KICA Chairman, attended the County Council meeting where they spoke in support of the Cross-Island Parkway and requested that the County come to a decision on the roadway project.

XI. Town Administrator's Report

Mrs. Rucker stated that she and Ken Gunnells, Town Treasurer, attended the 42nd Annual National Conference for the Association of Public Treasurers of the United States and Canada and the Town was recognized for their recently submitted, award winning debt policy. Also, Charleston, SC was selected as the host city for the 2010 National Conference site. The Town began conducting interviews with landscaping companies today, September 9th and will have present further information during the October Ways and Means Committee. Final preparations are being made for the 20th Anniversary Celebration. A Planning and Zoning Training has been scheduled in conjunction with Seabrook Island for Friday, September 12, 2008 from 1-4pm. The Annual Audit is well underway and will be completed within the next two weeks. Mrs. Rucker welcomed Aaron Givens, the Town's new wildlife assistant. Mrs. Rucker stated that she would like to commend all staff along with the Emergency Committee for their efforts and cooperation during procedures conducted while anticipating landfall of Tropical Storm Hanna.

XII. Mayor's Report

Mayor Wert complimented members of staff and the Emergency Committee for their preparation procedures for Tropical Storm Hanna and stated that the exercise was beneficial for all. Mayor Wert stated that there have been increasing comments and emails to both the KICA listserve and his personal accounts charging that the Town has been covering up notices from OCRM. Mayor Wert explained that this was investigated thoroughly and that the Town did receive the permits in a timely manner and they were

stamped in and filed. However, the Town did fail to distribute the permits to affected parties; the Planning Commission and Council Liaison. Mayor Wert explained that the procedures have been corrected and are now in place for proper distribution: Upon notification from OCRM, the Town will not only log and file the notices as appropriate, but will also be distribute to the Planning Commission and Council Liaison.

Mayor Wert stated that the Town has discovered ambiguous and conflicting language in Town Municipal Code Articles 12 and 17. This was discovered when a resident applied to construct a bulkhead on their property on the Island. Mayor Wert has asked the Planning Committee to form a subcommittee to correlate the Articles 12 and 17 in regards to erosion control procedural permitting requirements.

Mayor Wert stated that during the August 5, 2008 Town Council meeting, citizens presented two questions:

Q: Bill Moeckel, 3 Sand Alley Rd.,

Mr. Moeckel asked how long the Resort has to respond to the Town in regards to the Development Agreement.

A: Mr. Roger Warren handed Mayor Wert a sealed response just before the beginning of today's Town Council meeting and the Mayor has not had an opportunity to review the document.

Q: Ron Smith, 44 Ocean Course Drive,

Mr. Smith asked if Town Hall Chambers could be used for a political rally supporting presidential candidate John McCain.

A: Mayor Wert explained that by charter, Town is a non-partisan government and that the Town does not participate in partisan political events.

XIII. Citizens' Comments/Questions

Nick Mihalas, 250 Sea Marsh Drive, Mr. Mihalas expressed his support of the beach parking lot and stated that citizens have waited over 14 years for action on this item. Mr. Mihalas stated that the original plans called for a gazebo and a parking lot but construction was postponed during the filming of the *Legend of Bagger Vance*. Mr. Mihalas thanked the Council for getting back to the issue and pointed out two major points:

- 1) Property Owners number one issue is beach parking and access. The beach access will be the only way entry point for the 250 acres of land owned by KICA for conservation
- 2) To ignore this issue further would be wrong

Carol Fishman, 247 Salt Grass Court, Mrs. Fishman stated that she understands from the Mayor's comments that the Town received notification from OCRM but communication efforts failed getting the notices distributed to proper parties. Mrs. Fishman stated that if she understands the law correctly, she believes that the developer is

required to submit their plans to the Town prior to submission to OCRM and that the Town will work with OCRM in evaluating the proposals.

Tom Kulick, 38 Marsh Edge Lane, Mr. Kulick stated that he is excited about the Town's 20th Anniversary Celebration and he remembers taking place in the actual formation of the Town over 20 years ago. Mr. Kulick stated that St. Johns Fire District will be celebrating their 50th anniversary in 2009 and that residents should look forward to special events and an invitation.

Pamela Cohen, 380 Green Wing Teal, Mrs. Cohen commented that she would like to state that the placement of a parking lot at the east end will be detrimental to the entire ecosystem on the Island and that once it is gone, it is gone forever. Mrs. Cohen asked if residents will have the option to view the engineers proposed parking lot plans. Mayor Wert explained that the Town responds to resident's questions during the next 30 days.

XIV. Council Members Comments

Mr. Burnaford thanked Tumiko Rucker along with Town and KICA staff for the way Tropical Storm Hanna preparations were conducted. He stated that he had been in communication with the County EOC and that it was very interesting to see all of the individuals and groups implement their Emergency Plans.

Mr. Lipuma asked when the damage caused by a car accident on the bridge will be repaired.

Mrs. Rucker stated that the bridge is contracted through the State Reserve Fund and is one of the Town's insured pieces of property. An adjustor will examine the damages and repairs will follow.

XV. Adjournment:

Mr. Burnaford motioned to adjourn the meeting at 3:04PM. Mr. Lipuma seconded the motion. The 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