

# WAYS & MEANS COMMITTEE MEETING

Municipal Center Council Chambers

August 1, 2023; 11:00 am

## Minutes

I. Call to Order: Chairman Moffitt called the meeting to order at 11:00 am.

II. Pledge of Allegiance

III. Roll Call:

Present at Meeting:

John Moffitt, Chairman  
John D. Labriola, Mayor  
Brad Belt, Committee Member  
Russell Berner, Committee Member

Present Via Zoom:

Michael Heidingsfelder, Committee Member

Absent:

Dorota Szubert, Finance Director

Also Present:

Stephanie Tillerson, Town Administrator  
Brian Gottshalk, Public Works Manager  
Jim Jordan, Town Biologist

IV.

Approval of Minutes:

A. Ways and Means Committee Meeting of July 11, 2023

Committee Member Belt made a motion to approve the minutes of the July 11, 2023, Ways and Means Committee meeting. Committee Member Heidingsfelder seconded the motion, and it was unanimously approved.

V.

Citizens' Comments (Agenda Items Only): Limited to 15 Minutes.

Each speaker shall be limited to five minutes

Donna Windham – 80 Kestral Court - Kiawah Conservancy Executive Director

Ms. Windham requested that the Old Business item, review, and recommendation of the proposal from Elko Consulting be postponed until further review by the Conservancy's attorneys. Two of the attorneys have been unavailable and have not had the opportunity to review the easement. She felt that before consideration, all the parties should meet to discuss and work out some of the concerns to provide a clearer understanding of the proposal.

VI.

Old Business:

A. Review and Recommendation to Town Council for Approval of the Proposal from Elko Consulting to Conduct a Feasibility Study for Improvements to the Kiawah River Public Access

Mr. Jordan stated that following the discussion of the Elko proposal, references to any structures have been removed. He reiterated there are no plans for any structure and do not know what a plan for the area would look like. At this time, the objective is to engage with an objective third-party expert to take a holistic look at all the potential issues in this area. The biggest objectives are:

- To maintain Public Access
- To improve the health of the marsh and shoreline

- To preserve the marsh in that area to the extent we can

Mr. Jordan stated one of the first steps in the proposal is a stakeholder meeting to discuss all of the different concerns of the stakeholders: the Conservancy, the Partners, KICA (Kiawah Island Community Association), and the Town, led by an objective third party to work through the process of developing a design and plan for the area.

Chairman Moffitt questioned if there had been any conversations between the Town Attorney and the Conservancy Attorney. Ms. Tillerson indicated there had been a conversation; Mr. Willson stated that in terms of the easement agreement, at this time, there is not a legal issue that he can render a legal opinion on. Based on the easement agreement, certain things are allowed, but nothing has been recommended by the proposed feasibility study.

Committee Members discussed the living shoreline feasibility study proposed by the Conservancy to the Environmental Committee, overlaps in the two study projects, and the implications if the Elko proposal is approved. Also discussed were the Green Belt funding used for the public access project, the contractual obligation to the county to provide public access, and the Green Belt funding received for the project, which would have to be returned if public access is removed.

Chairman Moffitt clarified the proposed feasibility study would only provide written documentation of what options are available at the site with no actual work coming out of the project. Any suggestions or recommendations provided in the study can be ignored or adopted.

Committee Member Heidingsfelder expressed his concerns that there are still disagreements about certain legal aspects and that there is not only an issue of public access but also a safety issue that needs to be clarified. Following an in-depth discussion of the concerns and opinions expressed along with the proposal's scope of work, it was suggested to approve the initial assessment, providing a stopping point for reevaluation.

*Committee Member Heidingsfelder made a motion to recommend to Town Council the approval of the first step of the scope of work in the proposal from Elko Consulting titled "initial assessment" and to reconvene after that step has been completed to decide about the next steps in the scope of work. Mayor Labrionia seconded the motion.*

Following further discussion, Committee Member Heidingsfelder revised his motion.

*Committee Member Heidingsfelder made a motion to recommend to Town Council the approval of the proposal from Elko Consulting to Conduct a Feasibility Study for Improvements to the Kiawah River Public Access with the provision that we only do the initial assessment and then have a stop point to assess further. Committee Member Belt seconded the motion, and it was unanimously approved.*

Further discussion included the permissible uses of kayaks, canoes, and paddleboards not included in the Green Belt project grant contract and the suggestion for Town Council to consider prohibiting kayaking.

## VII.

### New Business:

A. Review and Recommendation to Town Council for Approval of the Proposal for Municipal Center Janitorial Services

Mr. Gottschalk stated that the Town has contracts with a third party to perform cleaning and janitorial services in the municipal building and the conditioned space in the garage. The Town currently holds a contract with Jan-Pro Cleaning for these services, and their contract is expiring this month.

Town staff released an RFP to solicit bids for cleaning and janitorial services. The RFP was posted publicly for two weeks, and Town Staff received seven bids. The results are as follows:

- Blink Facility Solutions: \$1,208 / per month
- Integrity Consulting Solutions: \$3,499 / per month
- Cleaning Sensations, LLC: \$1,150 / per month
- Low 7 Consulting, LLC: \$4,128 / per month
- Pinnacle Residential Services: \$11,099 / per month
- Rouse Janitorial Services: \$30,333 / per month
- Steri-Clean: \$14,560 / per month

Town staff reviewed the bids, made follow-ups with the companies being considered, and requests that the Ways and Means Committee recommend approving the contract with Blink Facility Solutions as the janitorial contractor to Town Council.

Under the current contract, the Town is billed monthly in the amount of \$1,478. If approved, this contract will decrease the monthly billing by \$270. This contract will be funded through the General Fund.

**Mayor Labriola made a motion to recommend to Town Council the approval of the proposal from Blink Facility Solutions for Municipal Center Janitorial Services. Committee Member Berner seconded the motion.**

**Following further discussion, the motion was unanimously approved.**

**B. Review and Recommendation to Town Council for Approval of the Engagement of McCullough Khan Appel**

Ms. Tillerson stated that the Town has worked with Mr. Appel on two specific matters and, with the possibility of additional issues, may want to continue working with him. She clarified that Mr. Appel would not be the Town Attorney but would supplement legal services as needed. The letter of engagement would ensure compliance with the Town's ordinance.

To Chairman Moffitt's question on whether there was a term limit on the engagement, Ms. Tillerson stated the letter could be modified to include the additional language "either party can terminate the contract within 30 days". The engagement is on an as-needed basis, not at a monthly cost. Committee Member Berner noted that the letter did not reference the cost of travel and how and when travel charges will be invoiced.

**Mayor Labriola made a motion to recommend to Town Council the approval of the Engagement of McCullough Khan Appel. Committee Member Belt seconded the motion.**

Committee Member Belt questioned if the recommendation to Town Council for approval of the engagement also authorizes any expenditure associated with the engagement. Chairman Moffitt clarified the Committee is not authorizing to engage Mr. Appel, but rather that if Council decides to engage Mr. Appel, what it would cost.

Committee Member Belt asked whether there should be a cap on the amount that would be expended pursuant to this engagement letter and that anything beyond that would require reauthorization.

Committee Members discussed concerns that the contract lacked clarification on who and how the services of Mr. Appel are accessed and setting a limit, cap, or budget for Mr. Appel's services.

Committee Members engaged in an in-depth discussion of Committee Member Heidingsfelder's recommendation that the contract has a clear path of engagement or communication with Mr. Appel as only the Mayor, Town Administrator, and Town Attorney.

Committee Member Belt indicated that the scope of engagement did not include a conflicts check and that language is typically included about addressing or resolving potential conflicts. Following discussion, the suggestion was made that language be added to the engagement letter that addresses the concerns raised.

- Statement on conflict of interests check
- Travel billing
- "our firm's point of contact can only be the Town's Mayor, the Town Administrator, and the Town Attorney;"
- "our firm's point of contact can only be the Town's Mayor, the Town Administrator, and the Town Attorney with regard to the matters which he is advising the Town."

Mayor Labriola amended his motion to include the four outlined modifications to the engagement letter. Committee Member Berner seconded the motion, and it was unanimously approved.

Following the discussion, the amended motion to recommend to Town Council the approval of the Engagement of McCullough Khan Appel was unanimously approved.

VIII.

Chairman's Report:

None

IX.

Treasurer's Report:

None

X.

Citizens' Comments: Limited to 15 minutes.

Each speaker shall be limited to five minutes

None

XI.

Committee Member's Comments:

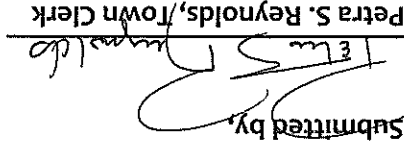
None

XII.

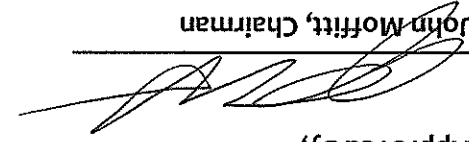
Adjournment:

Mayor Labriola made a motion to adjourn the meeting at 12:11 pm. Committee Member Berner seconded the motion, and it was unanimously approved.

Submitted by,

  
Petra S. Reynolds, Town Clerk

Approved by,

  
John Moffitt, Chairman

Date

12.11.2023