

SPECIAL CALL
WAYS & MEANS COMMITTEE MEETING
Municipal Center Council Chambers
December 19, 2023, 9:00 am

Minutes

I. Call to Order: *Chairman Heidingsfelder called the meeting to order at 9:00 am.*

II. Pledge of Allegiance

III. Roll Call:

Present at Meeting: Michael Heidingsfelder, *Chairman*
John D. Labriola, *Mayor*
Russell Berner, *Committee Member*

Attending Via Zoom: Brad Belt, *Committee Member*

Also Present: Stephanie Tillerson, *Town Administrator*
Dorota Szubert, *Finance Director*

IV. Citizens' Comments (Agenda Items Only):

Maura McIlvain – 186 Blue Heron Pond Road

Ms. McIlvain commented on the proposed amendment to the Town Attorney Contract, suggesting changes to paragraph one - extending the term of paragraph five of the original contract. She noted that the current Town attorney contract has a 60-day notice provision, and since he gave notice in December, if the provisions of his existing contract, it seems to her that he should get paid his current rate through the 60 days. She also noted that the notice of termination came to the Town Administrator, not to the Town Attorney's client, the Town Council.

Brad McIlvain – 186 Blue Heron Pond Road

Mr. McIlvain commented on his experience while on the Kiawah Island Community Association (KICA) Board with hiring new KICA Board attorneys. He noted that at one time, the lead attorney told him that he represented the entire KICA Board and that any attorney hired by the Town should represent the entire Town Council, not a faction of Council, not one or two people on Council, and certainly not staff members.

V. Old Business:
None

VI. New Business:

A. Review and Recommend to the Town Council the Approval of the continuation of Joe Wilson as the Town Attorney for Three Months, Starting January 1, 2024, through March 31, 2024, at a rate of \$300/hour

Committee Member Berner made a motion to recommend to the Town Council the approval of the continuation of Joe Wilson as the Town Attorney for Three Months, Starting January 1, 2024, through March 31, 2024, at a rate of \$300/hour. Mayor Labriola seconded the motion.

Committee Member Belt confirmed the requested dollar amount is a 50% increase over the current hourly compensation rate and that the Town is currently paying \$300.00 an hour to outside Council.

Committee Member Belt proposed a modest amendment to the term paragraph “expiring on March 31, 2024, or the retention of a new town attorney, whichever is earlier,” with Committee Members Berner and Heidingsfelder agreeing to the amendment.

Ms. Tillerson stated that, of course, the change could be made, but the members may want to consider that it creates some overlap, so when one attorney left, it would allow the transfer of information or for any questions, comments, or concerns. Right now, what has been set in the RFQ is that the Town Council could appoint by the March 5th date, and then this would allow the new attorney time to catch up and work with the old attorney.

Committee Member Belt stated that it was not an unreasonable position and asked if there isn't a candidate retained by March 5th or March 6th, would the Town continue to extend this contract to provide some overlap, or is it not critical in every instance that there be an overlap? Ms. Tillerson stated that if for some reason we feel we don't have someone, it can be addressed at that time, but at least there would be someone through March 31st.

Committee Members further discussed the reasoning behind the requested change, and in light of the discussion, Committee Member Belt withdrew his proposed amendment.

Chairman Heidingsfelder questioned if there was a need to amend the contract amendment with regard to the compensation, that for the first 60 days since resignation at \$200.00, and then after that, the rate would be at \$300.00. Committee Member Belt stated that, in his view, since adequate notice wasn't provided, it is not appropriate for the town attorney to request an additional rate during the period for which he was required to provide notice. Committee Member Berner stated that because the term of the original contract was through December, it would define when the term expires, and a new rate would be negotiated.

Following the discussion, the motion passed with a 3 to 1 vote, with Committee Member Belt voting “No.”

VII. Committee Member’s Comments:

Chairman Heidingsfelder thanked Mr. Wilson, stating that he and Mr. Wilson had not always been on the same page. Still, he always appreciated Mr. Wilson’s straightforward opinion, and he always helped members no matter if they agreed or disagreed, and it was always a very professional conversation. He also thanked Mr. Wilson for his service and for helping bridge the time until new Counsel was in place.

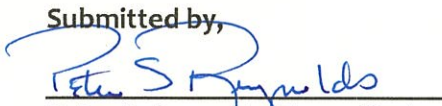
VIII. Citizens’ Comments:

None

IX. Adjournment:

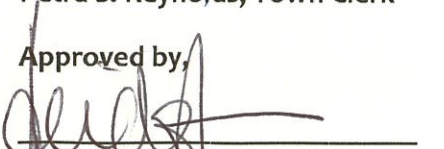
Chairman Heidingsfelder adjourned the meeting at 9:36 am.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Michael Heidingsfelder, Chairman

02/05/2024
Date