

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

November 7, 2017; 2:00 PM

AGENDA

I. Call to Order: *Mayor Weaver called the meeting to order at 2:00 pm.*

II. Pledge of Allegiance

Present at the meeting: Craig Weaver, Mayor
John R. Wilson
Diana Mezzanotte
Chris Widuch

Absent: Jack Koach

Also Present: Stephanie Monroe Tillerson, Town Administrator
Dwayne Green, Town Attorney
John Taylor, Town Planning and Zoning
Petra Reynolds, Town Clerk

III. Approval of Minutes:

A. Minutes of the Town Council Workshop of October 3, 2017

Mr. Wilson made a motion to approve the minutes of the October 3, 2017 Town Council Workshop. The motion was seconded by Mrs. Mezzanotte and the minutes were unanimously passed

B. Minutes of the Town Council Meeting of October 3, 2017

Mr. Wilson made a motion to approve the minutes of the October 3, 2017 Town Council Meeting. The motion was seconded by Mr. Widuch and the minutes were unanimously passed

IV. Mayor's Update:

Mayor Weaver gave an update on the sand scraping dune renourishment projects which had been recently approved. He stated that work on the first phase, under the emergency permit, were in three areas in which the water was getting within 20 foot of structure or infrastructure: Turtle Point Golf Course - Holes 15 & 16, Ocean Course – holes 15 & 16, and the Ocean Course – Hole 18 and the Practice Range, had been completed and under budget. He stated the Town applied to OCRM for a special permit which would cover work in areas where the water was within 20 to 50 foot structure, pool or infrastructure: Eugenia to Mariner's Watch, Sanctuary Hotel to Turtle Point Golf Course Hole 14, and selected areas at the Beach Club to and including Ocean Course Golf Course. No problems are anticipated in obtaining the permit. The application's public comment period will be closing in the next days with no comments to this point.

Mayor Weaver reported that the proposed OCRM (Ocean and Coastal Resource Management) jurisdictional lines, which have moved significantly landward, allowed for a comment period to November 6th with the intent that the lines would be effective at the end of the year. He stated that with a substantial amount of concerns being expressed by communities along the coast, along with

property owners who would be impacted, OCRM had decided to extend the public comment period to April 2018 along with the extension of the implementation period.

Mayor Weaver stated that the Town was working with its beach consultant, Coastal Science and Engineering (CSE), to better understand the OCRM methodology of the proposed jurisdictional lines with the intent of taking a position and to provide feedback to OCRM. A draft of the CSE conclusions and recommendations has been received and when final, a copy will be made public and available to property owners that are potentially at risk of being impacted by the changes.

V. Citizens' Comments (Agenda Items Only):

None

VI. Presentation:

None

VII. New Business:

A. Ordinance 2017-23 to rezone the property located at 1 Kiawah Beach Drive from the Commercial Zoning District to the RST-2, Resort Zoning District – First Reading

Mr. Taylor stated the application is a request to rezone the property located at 1 Kiawah Beach Drive from the Commercial Zoning District to the RST-2, Resort Zoning District and presented maps, aerial and site photos, along with graphs showing the proposed changes.

Mr. Taylor stated that following the presentation of the applications for West Beach it was discovered that there had been an oversight in not rezoning Straw Market parcel from commercial to the new RST-2.

Mr. Taylor indicated the West Beach Area is primarily zoned Resort with medium to high residential uses, and historically contains resort, parks and recreational uses. The proposed amendment corrects an error or inconsistency of the West Beach area and delivers a cohesive parcel to match the adjacent and surrounding RST-2 Zoning District and to correspond to the future land use designation.

Mr. Taylor stated the application was reviewed by the Planning Commission and was recommended to Town Council for approval.

Mayor Weaver stated the rezoning was in agreement with, and carried out the intent of the 2010 Development Agreement with the Resort. He also noted that a part of the approval process, a Public Hearing was held prior to this meeting with no public comment.

Mr. Widuch made a motion to approve the first reading of Ordinance 2017-23 to rezone the property located at 1 Kiawah Beach Drive from the Commercial Zoning District to the RST-2, Resort Zoning District. The motion was seconded by Mr. Wilson and unanimously passed.

B. Ordinance 2017-20 to add Section 16-409, Prohibiting Digging Holes on the Beach – Second Reading

Mr. Wilson made a motion to approve the second reading of Ordinance 2017-21 to amend Section 16-406, Beach Walkovers. The motion was seconded by Mrs. Mezzanotte and unanimously passed.

C. Ordinance 2017-19 to amend to Section 8-112, Yard Debris - Second Reading

Mr. Wilson made a motion to approve the second reading of Ordinance 2017-19 to amend to Section 8-112, Yard Debris. The motion was seconded by Mrs. Mezzanotte and unanimously passed.

D. Ordinance 2017-21 to amend Section 16-406, Beach Walkovers – Second Reading

Mr. Widuch made a motion to approve the second reading of Ordinance 2017-21 to amend Section 16-406, Beach Walkovers. The motion was seconded by Mrs. Mezzanotte and unanimously passed.

E. Ordinance 2017-09 to amend Article 15, General Offenses, Chapter 8, Short –Term Rental Permit and Regulations – Second Reading

Mr. Wilson made a motion to approve the first reading of Ordinance 2017-09 to amend Article 15, General Offenses, Chapter 8, Short–Term Rental Permit and Regulations. The motion was seconded by Mrs. Mezzanotte.

Members discussed how the regulations would be communicated to the renters. Ms. Tillerson indicated she was working with Building Services and the Communications Department to develop an education process with a variety of communications to reach the ever changing renters.

Following discussion the motion was unanimously passed.

F. Resolution 2017-03 – South Carolina Local Government Investment Pool Consent Form

Mrs. Szubert indicated the approval of Resolution 2017-03 would allow the Town to open an investment account in the South Carolina Investment Pool. She explained that after her research and reviewing the restrictions of the State statutes, it was determined the Town investment instruments are very limited. She stated based on the performance of the State’s Investment Pool which shows steady growth the decision was made to move the Town’s investments from the current investor to the State’s Investment Pool.

Mr. Widuch made a motion to approve Resolution 2017-03 – South Carolina Local Government Investment Pool Consent Form. The motion was seconded by Mrs. Mezzanotte and unanimously passed.

G. Town of Kiawah Post Employment Retirement Health Contribution

Mayor Weaver requested that discussion of a proposal for the Town to adopt a policy to participate in Post-Employment Retirement Health Contributions be tabled to allow staff to consider recommendations and possible modifications and bring the item back to the December meeting when all of Council should be present.

H. Town of Kiawah Island 2018 Employee Contribution to the SC Public Employee Benefits Insurance

Mayor Weaver explained that the Town participates in the State Health Plan for its employees supplementing the “employee-only” insurance benefits with Town Council reviewing the active employee’s supplement annually. Currently, the Town provides \$131.00 supplement for health, dental and vision insurance premiums. Starting January 1, 2018, there will be a slight monthly premium increase in Dental Plus and Vision, which brings the total employee only health insurance cost to \$132.80. Employees are responsible for the full cost of any dependent or family coverage.

Mr. Wilson made a motion the approval of the \$133.00 employee only health insurance supplement. The motion was seconded by Mrs. Mezzanotte.

Mr. Widuch expressed his opposition to the supplement indicating he felt each employee should contribute to their insurance premium.

Following the discussion the motion was passed by a 3 to 1 vote. Mr. Widuch voted no.

VIII. Other Business:

A. Budget Report for Period Ending 9/30/2017

Mrs. Szubert presented the Town's Balance Sheet as of September 30, 2017 and Budget to Actual Report for the first quarter. The Budget to Actual Report is compiled on the cash basis and all the funds are consolidated.

As of September 30, 2017, the Town's governmental funds combined have an ending fund balance of approximately \$16M, a decrease of approximately \$600K from June 30, 2017. Of this amount approximately 37% or \$6M is unassigned fund balance and available for spending at the Town's discretion.

Overall, for the first three months the Town's revenues appear reasonable and within budget for this time of the year and in line with the expectations. Consolidated revenues of \$1.6M were approximately \$40K or 2% lower than budgeted. This variance is attributable to the timing of the monthly collection of the Local Option, Accommodation, and Hospitality Taxes.

With 25% of the year lapsed at the end of September, expenditures to date are approximately \$1.8M and are in line with the budgeted spending. The small variances are related to timing with the exception of insurance cost that will carry throughout the year due to increase in bridge coverage premium and unbudgeted cleanup cost after Hurricane Irma that totaled as of September 30, 2017 at \$59K.

Capital expenditures are in line with the budget. The negative variance in Municipal Center construction cost is related to timing. From the inception through September 30, 2017, the total cost is approximately \$8.6M and is expected to fall \$400K less than budgeted.

IX. Town Administrator's Report:

Ms. Tillerson gave an updated on her efforts to obtain FEMA (Federal Emergency Management Agency) reimbursement of the post-storm clean-up costs. She indicated the request was submitted approximately six weeks ago and she was still awaiting the eligibility appointment to be scheduled.

Mrs. Tillerson stated that work was continuing on the Beach Services Franchise RFP (Request for Proposals) with a goal to release it in the coming weeks.

X. Council Member:

- a. Committee Updates
- b. General Comments

Mr. Widuch stated that from the Public Safety Committee comes a reminder that there is an opening on the St. John's Fire District Commission. Applications are accepted until December 4th.

Mr. Widuch stated the Communications Committee has decided to discontinue the Kiawah Island Resident Xchange due to its light usage and it being duplicative of other community forums.

Mr. Wilson reported his attendance at the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) Board Meeting. He stated there was a presentation given by the consultant charged with the development of a bike and walking path plan for the tri-county area. He noted there was very little shown for Johns Island, with most of the focus on N. Charleston, Mt. Pleasant, Charleston, and Summerville and no discussion on the status of the I526 extension.

Mrs. Mezzanotte reported the Sea Level Rise Subcommittee had Mr. Connor from the Community Association speak on the drainage system and how it works and planned modifications. At next month's meeting, Mrs. Dennis the manager of the Kiawah Island Utility will be speaking on any sea level rise plans for the water and sewerage system.

Mrs. Mezzanotte reviewed the Arts Council events from October, Jason D. Williams and the Bill Cunliffe Trio, noting that they were both sold out. She reported that the Piano Bars are now being held at Church of our Savior since the Sandcastle is now closed. In November, the Charleston Symphony Orchestra played to approximately 480 attendees and in December there will be two events, the College of Charleston Madrigal Singers and Burning River Brass.

Mrs. Mezzanotte indicated the Arts Council survey had been released and open until for the next two weeks. Completing the survey will help Arts Council members and Council as it looks toward the future of the Arts program and funding of events.

Ms. Tillerson reported that the Board of Zoning Appeals will have a member resigning at the end of the year. Anyone interested in serving on the Board should contact the Town Clerk.

XI. Citizens' Comments:

Marilyn Olson – 4985 Green Dolphin Way

Mrs. Olson questioned if notification has been sent to those homeowners who have unsafe boardwalks and those whose boardwalks extend too far on the active beach, or if the Town has been waiting on the passage of the new Ordinance.

Mayor Weaver indicated that all boardwalk homeowners that are not currently working with the ARB and the Town on redesign have been notified by mail.

Mrs. Olson pointed out that they would fall under the old ordinance with a year to make the necessary repairs.

Mayor Weaver stated the Town Attorney would be helping with that issue, and explained that the new ordinance gave the ability to work with a property owner to require the necessary repairs be made in a 90-day period.

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick commented on the newly proposed OCRM jurisdictional lines in which the Town would be reviewing the CSE report and then making it available to the public. She questioned if the Town would be soliciting input from the public which would also be included in any comments made to OCRM.

Mayor Weaver stated he had not considered asking for public input.

Mrs. Kulick urged Council to request OCRM to include post-Mathew and post-Irma data, which is not included in proposed jurisdictional lines.

Mrs. Kulick commented on the traffic delays caused by the movement of materials by the Resort. She urged that the communication of the delays come in a timelier manner to notify those trying to get off the Island.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill stated the in the design of the building he suggested that there only be one point-of- entry, noting that there was entrance from the side of the building along with the main front entrance. He noted that there was no signage on the doors stating that no weapons were allowed in the building and suggested a police officer with a wand to check people as they enter the building.

Mayor Weaver indicated the intent was to only have one point of entry and that the other open door would be addressed.

Mr. McGill commented on the response to a FOIA (Freedom of Information Act) request made to Ms. Tillerson in reference to the Employee Handbook. He read from Section 1 of the handbook and indicated that his request questioned what policies could be changed only with the written authority of the Mayor and not with a majority vote of Council, to which there was no response. He listed several sections where he felt it was unclear how changes could be made.

Mayor Weaver indicated that Mr. McGill's comments had been addressed in the response to his FOIA request. He also pointed out that the Town makes every effort to be as transparent as possible and gives public access to documents or records. He explained that in some of the questions asked in Mr. McGill's FOIA is not request for documentation but rather a request to analyze policy and to devise records, which is not a requirement of FOIA. He stated that changes would be made in accordance with Town Ordinance and State Law.

Mr. McGill questioned if the Classification Study contracted to the Mercer Group had been completed.

Mayor Weaver indicted the study was in progress but not completed.

Diane Lehder – 306 Palm Warbler Road

Mrs. Lehder indicated that the Emergency Preparedness sessions she attended when moving onto the Island was very informative but are held in the spring when many residents are gone for the summer. With the recent two years of storms in the fall, she asked Council to consider having an Emergency Preparedness session for those that are gone during hurricane season to ensure residents have all the necessary information.

Mr. Widuch stated that the question would be included on the next Public Safety agenda.

After attending the meeting on the new DHEC setback line and was stunned by the amount of beachfront property owners who were unaware of this legislation, Mrs. Lehder question if the Town had a process by which it follows federal or state legislation that effects property owners, and if the Town had any direct communication with beachfront property owners during the last several years.

Mayor Weaver indicated that the Town does follow legislation that would affect property owners, and over the past years the Town did not have specific information on what the timing would be. In this case the Town was given very short notice as to when the proposed lines were to be released.

Mrs. Lehder expressed her opinion that the Town should have notified property owners as this legislation was progressing to notify then there was a possibility of some kind of impact. She asked that Council consider that for the future the Town make more of an effort to follow legislation which may affect residents and send out information in advance allowing for more of an opportunity to make a change.

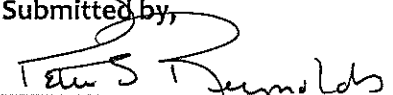
Ms. Tillerson stated that once the Town received the email from OCRM, the Town did send out a letter to put all beachfront property owners on notice of the line change.

XII. Executive Session:
None

XIII. Adjournment:

Mr. Widuch motioned to adjourn the meeting at 3:50 pm. The motion was seconded by Mr. Wilson and carried unanimously.

Submitted by,

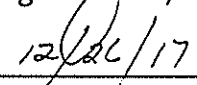


Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor



Date