

# TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

October 3, 2017; 2:00 PM

## Minutes

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  
Jack Koach  
Chris Widuch

**Also Present:** Stephanie Monroe Tillerson, Town Administrator  
Dwayne Green, Town Attorney  
Petra Reynolds, Town Clerk

III. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of September 5, 2017

*Mr. Widuch made a motion to approve the minutes of the September 5, 2017 Town Council Meeting. The motion was seconded by Mr. Koach and the minutes were unanimously passed*

IV. **Mayor's Update:**

None

V. **Citizens' Comments (Agenda Items Only):**

**Wendy Kulick - 38 Marsh Edge Lane**

Mrs. Kulick questioned some of the ordinances that will be consider by Council:

- Rental Ordinance – What input was received from the rental agencies?
- Beach Walkover Ordinance –The time frame given to make repairs to boardwalks has been reduced from two years to four months. She expressed her concern that property owners will shoulder the burden cost of the quick repairs the Community Association will have to make. What input was received from the Community Association?
- Digging Holes on Beach Ordinance – How is the ordinance going to be enforced?

Mayor Weaver indicated that the questions would be addressed during discussion of each ordinance.

**Cathy Pumphrey - 525 Bufflehead**

Ms. Pumphrey asked that Council to reconsider the strength of the language in the Digging Holes on Beach Ordinance. She indicated that many residents use metal shovels to dig holes for beach umbrellas and also questioned enforcement of the ordinance.

## Jimmy Bailey - COO, Kiawah Island Community Association – 23 Beachwalker Drive

Mr. Bailey stated that after his first review of the Beach Walkover Ordinance, and taking into consideration it was the first reading, asked to get some sense of how the beach renourishment plan would impact the implementation of the ordinance and what was considered to be the primary dune.

**Mayor Weaver indicated that the topic of beach renourishment would be address.**

## Charles Lipuma - 201 Horned Grebe Court

Mr. Lipuma commented on the issue of holes on the beach by stating that while he spends a great deal of time on the beach, he has witnessed, and personally experienced, the dangers of the size of the holes dug on the beach. He indicated while it is a sensitive subject, some measure of control needs to be put in place.

## VI. Presentation:

### A. Greene, Finney and Horton FY 2016/2017 Audit Presentation

Mrs. Mezzanotte indicated the third audit done for the Town by Greene, Finney and Horton was presented and reviewed by the Audit Committee. The hardcopy of the final Comprehensive Annual Financial Report (CAFR) audit report is available and would also be posted on the Town's website.

Ms. Emily Sobczak with Greene, Finney and Horton made a presentation of the Town's Fiscal Year 2016-2017 audit report. She reviewed the Town's audit with a PowerPoint presentation to highlight the results of the audit and the financial condition of the Town as of June 30, 2016. Items discussed were:

- Responsibilities of the Town and of Audit firm
- Auditor opinion – the Town received an “*Unmodified Opinion*”
- Town's Financial Condition
  - Good financial condition as of June 30, 2017
- Town's General Fund Balance; Revenues and Expenditures
  - Total Fund Balance of 6.9M – decrease of 839k from previous year
  - Non-spendable fund balance of \$108k for prepaid items
  - Unassigned fund balance is \$6.8M
    - Revenues - \$5.6 million for 2017; \$551k or 11.0% higher than budget
      - Business licenses were higher than budget by \$454k
      - Federal revenues were higher than budget by \$120k
    - Expenditures - \$5.3M; \$402k (8.3%) greater than budget
      - General government \$397k over budget primarily due to storm cleanup costs exceeding budget by \$627k partially offset by salaries and benefits coming in \$142k under budget
- Totals for All Funds
  - Revenues-\$9.3 million
  - Expenditures-\$14.0 million
- Other Items of Note
  - Total capital assets were \$14.3M – an increase of \$4.0M from 2016

- \$3.0M in outstanding general obligation bonds with approximately \$371k in principal and interest due in fiscal year 2018
- It will be important for the Town to define the provisions of an OPEB Plan in order to determine the financial impact.
- Management Letter - Auditor's Findings and Recommendations
  - Compliance - No findings noted
  - Recommendations – No items to report

**VII. New Business:**

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

Mr. Spicher stated that the current Rental Ordinance was developed in 1993 to address nuisance complaints rather than public safety issues. He indicated in 2016, a workgroup which included representatives from the Town, St. Johns Fire District, and Public Safety Committee reviewed the ordinance concluding the language was antiquated, redundant, and enforcement was impeded by the existing language, to the extent that a complete rewrite was warranted. All sections have been rewritten except for the first paragraph of Section 15-802. Outdated and redundant language was removed, language is condensed and clarified and new language added allowing for compliance with federal regulations, enforcement, and inspections of rental properties.

Mr. Spicher reviewed changes:

- No more than two vehicles permitted for single-family residential driveways. Conforms to federal mandates in regards to emergency vehicle access.
- Prior to the issuance of a new rental business license St. Johns Fire District personnel shall inspect residential driveways to ensure compliance and vehicle accessibility
- Non-compliant driveways shall be permitted 30-days to make necessary corrections, and schedule an inspection.
- Rental properties shall remain compliant w/ the current edition of the Property Maintenance Code and will be subject to random inspections.
- Homeowner's shall be responsible to ensure compliance with this ordinance. Not the rental agencies.

Mr. Spicher indicated the paragraph (b) in Section 15-802 would be removed for the second reading and a recommendation was made to require that rental advertisement include the current business license number and can be included in the second reading.

Mr. Spicher stated the revisions were reviewed by the Public Safety Committee and recommended to Town Council for approval.

***Following discussion, Mr. Widuch 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 Mr. Wilson and unanimously passed.***

**B. Ordinance 2017-19 to amend to Section 8-112, Yard Debris - First Reading**

Mr. Spicher indicated that yard debris being left by commercial entities operating on the Island has become an issue. The curbside yard debris pick up offered by the Town was geared to the homeowner and not professional maintenance/landscapers. The proposed ordinance that would

require hired commercial entities to remove their yard debris off island and prohibit them from leaving yard debris curbside.

Mr. Lameo added that in the past there has not been a formal means to enforce the removal of commercial yard debris which was left curbside or on vacant lots. The amount of debris is sometimes larger than what the waste removal company can take to the landfill.

Members engaged in a discussion of the ordinance included enforcement of ordinance, communication of the ordinance to landscapers, making a determination on what would be considered a large amount of debris.

***Mr. Widuch made a motion to approve the first reading of Ordinance 2017-19 to amend to Section 8-112, Yard Debris with the refinement of the ordinance language for the second reading. The motion was seconded by Mr. Wilson.***

To address the expressed concerns, Mr. Widuch recommended that for the second reading the ordinance language be refined to put more emphasis on the debris left on an empty lot and a demarcation line or more specificity for enforcement.

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

**C. Ordinance 2017-20 to add Section 16-409 prohibiting digging holes on the beach – First Reading**

Mr. Spicher presented photos depicting the alarming problem with numerous large holes being dug on the beach. Beach Patrol is required to spend countless man-hours covering these holes instead of conducting beach safety operations. The Public Safety Committee requested staff review ordinances in place in other beach communities. After reviewing several ordinances it was discovered that the most have a limit on the size or the monitored places where holes can be dug.

Mr. Spicher indicated the proposed new section to prohibit metal shovels of any type will eliminate the growing problem, and put in place a mechanism to prosecute violators. He noted there were three exceptions and that enforcement would be to simply ask that the shovel be removed from the beach.

In response to Ms. Pumphrey's question, small shovels used to put in umbrellas will not be considered a violation.

***Mr. Koach made a motion to approve the first reading of Ordinance 2017-20 to add Section 16-409 prohibiting digging holes on the beach. The motion was seconded by Mr. Widuch and unanimously passed.***

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

Mr. Jordan stated there are currently more than 170 beach walkovers on Kiawah Island. He reviewed why there are walkovers, how they are regulated on the state and local level and changes to the ordinance. Beach walkovers provide access over the dunes to the beach for

residents and visitors. DHEC-OCRM (Department of Health and Environmental Control-Ocean and Coastal Resource Management) regulates the construction of new beach walkovers and all new boardwalks must comply with their specifications. Walkovers are approved locally through a joint application and review process between the Town and Kiawah ARB. State regulations do not deal with boardwalks that have fallen out of compliance, which makes it necessary for the Town to regulate this issue.

During the past 2 storm events, the majority of beach walkovers were damaged or destroyed. It became clear during the recovery process, especially after Hurricane Irma, that a revision to this ordinance was necessary. The current ordinance, adopted in 2013, was confusing and provided up to 2 years for repairs to be made. It also did not allow the Town's Building Department to require the repair of unsafe boardwalks. In order to shorten the beach recovery timeframe and maintain beach access for emergency vehicles, staff made the decision to rewrite the entire ordinance.

Mr. Jordan reviewed a summary of the new ordinance:

- Boardwalks are now divided into 2 categories (private and community). The 3<sup>rd</sup> category (public) was moved into the community category.
- All new boardwalks have to be built to OCRM specifications and terminate no more than 10 feet onto the active beach (No change).
- Existing boardwalks (all) in disrepair – Owner must submit remediation plans within 30 days. Owner has an additional 60 days after plan approval to complete work. (Not in current ordinance)
- Existing boardwalks (all) extending more than 10 feet onto beach. Owner must submit remediation plans within 30 days. Owner has an additional 60 days after plan approval to complete work. (Was 1 year)
- Boardwalks (community) – Existing boardwalks that terminate landward of the primary dune that result in the destruction of dune vegetation. Owners must submit remediation plans within 30 days. Owner has an additional 120 days after plan approval to complete work. (Was 2 years)
- Exception – Any owner can appeal a violation to the Building Department within 30 days of receiving notice from the Town of a violation. (Gives authority to Building Department)

Mr. Jordan stated the proposed ordinance was reviewed by the Environmental Committee at the September Meeting. Suggested revisions were incorporated into the presented ordinance.

Discussion included a clarification that the intention of the timeline in the ordinance is to get unsafe boardwalks into compliance.

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

**E. Approval to Enter into a Contract with R.E. Goodson Construction for Emergency Beach/Dune Repair Services**

Mayor Weaver stated first part is the approval for the expenditure of up to \$275,000.00 on beach renourishment at select location along the Kiawah Island Beach and was a recommendation from the Ways and Means Committee. The second is the approval to enter into a contract with R.E. Goodson Construction for Emergency Beach/Dune Repair Services.

Mr. Jordan reviewed the process by which the determination was made as to which portion of the beach would renourished. He indicated that following Hurricane Irma staff did a survey of the damage to the beach and forwarded the information to the Beach Consultant for their further evaluation to identify any problem areas. The determination was made that most areas on the beach lost 40 to 60 feet of dunes. There are three areas in which the water is 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. This approximately 7000 feet meet the DHEC/OCRM criteria allowing for work to be done immediately under the State-issued Emergency Order. Federal permissions were also required and obtained.

Next identified were the areas in which 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. This approximately 8275 feet would require a second permit, which the Town has immediately applied for.

The project will be limited to dune construction/re-nourishment by sand scraping. This project does not include addition of new sand from off-island sources. At low tide, sand will be moved so dune can be reconstructed at the selected location. He indicated he contacted companies to do the work and recommended RE Goodson, who have worked on the Island in the past on another re-nourishment project. He noted that Goodson also presented the lowest price and calculated the hourly rate to be \$1,842.00. For planning purposes, Mr. Jordan is using a rate of \$3.37 per yard with a total project cost of approximately \$217,000.00, with an additional cost to the consultant, Coastal Science and Engineering.

Mr. Jordan estimated the emergency work portion of the project would take approximately twelve days with the 30 day public notice period of the permit application process could create a five to six week, or longer, delay. RE Goodson has agreed to clean and store their equipment until the second permit is obtained at no additional cost.

***Mr. Koach made a motion to approve for the expenditure of up to \$275,000.00 on beach renourishment at select location along the Kiawah Island Beach. The motion was seconded by Mr. Wilson and was unanimously passed.***

***Mayor Weaver made a motion to approve entering into a contract with R.E. Goodson Construction for the two phases of Emergency Beach/Dune Repair Services. The motion was seconded by Mr. Wilson.***

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

#### **F. Approval of Town Administrator's Contract**

Mayor Weaver indicated the current contract with the Town Administrator, Ms. Tillerson, would be expiring later in the month. The current agreement/contract was for two years and included a provision to allow a one year extension but the decision was made to write a new contract. He indicated the proposed new contract is a two-year agreement and is based on the current contract but includes ad provision for a two-year extension. Excluded from the new contract were of items

referring to moving expense and new employee time off. Included in the new contract recommends a new cash compensation amount of \$116,000.00 annually. He noted that Ms. Tillerson is compensation in the current contract is \$105,000.00 with no increase over the two years.

Mr. Green stated there was a minor prevision suggested by a member of Council which does not substantially change the agreement. The change in the language clearly defines “Severance Pay.”

***Mayor Weaver made a motion to approve Ms. Tillerson’s new Town Administrator’s Contract as of November 1, 2017 as amended. The motion was seconded by Mr. Wilson and was unanimously passed.***

## **VIII. Other Business:**

### **A. 2017 Charleston Regional Hazard Mitigation Plan Executive Summary**

Mr. Spicher present the Executive Summary for the Charleston Regional Hazard Mitigation Plan 2017-2018, 5 year update. The plan includes detailed sections describing the following:

- o Background of the Charleston Region
- o Goals of the Plan
- o Details of the planning process – input via citizen and jurisdiction surveys and Committee input through meetings.
- o Hazard Identification and Assessment
- o Problem Assessment – vulnerabilities in buildings, infrastructure and critical facilities; known flood damages and impacts; economic impact; and resiliency to hazards.
- o Possible Activities – projects through Project Impact, Drainage Improvements
- o Action Plans and Status Reports
  - All jurisdictions must create this document; outlines all the hazard mitigation actions that each jurisdiction is conducting along with a status of the project
- o Public Information Plan is included as Appendix A.1. A stand-alone analysis and plan is required for CRS credit.

Mr. Spicher indicated there is Common Plan for all communities but each jurisdiction/agency adopts it independently in order to be eligible for FEMA assistance, grants and CRS credit. After adoption the plan will come before Council for adoption by the Town.

### **B. Update from Town Attorney on the Annual Employee Disclosure Statement – Ethical Conduct and Conflicts of Interest.**

Mayor Weaver stated that this year a new policy was put in place requiring staff to submit an Annual Employee Disclosure Statement - Ethical Conduct and Conflicts of Interest. He noted it was a confidential process in which statements are provided directly to the Town Attorney who reviews them and work with the Town Administrator if there is a significant issues or question. He also then reports to Council.

Mr. Green stated that each employee’s completed form was received and reviewed with no issues on Ethical Conduct or Conflicts of Interest to report.

## **IX. Town Administrator’s Report:**

Ms. Tillerson asked Mr. Spicher and Mr. Lameo to give an update or report on the state of the beach, boardwalks, the bike path, code violation issues, and trash issues.

Mr. Lameo reported most of the storm's impact was "storm surge" water related issues and unlike Hurricane Matthew, tree and vegetation damage was minor but the beach received erosion its entire length and about 70% of the beach walkover were damaged or destroyed. There was approximately 80 feet of erosion under the asphalt of the bike path along the Parkway. The estimated cost to make the emergency repairs to back-fill and install rep-rap is \$8500.00.

The debris clean-up has been completed. The Town again contracted with All Green Landscape to clean and remove material from our roadways and beach and staged the materials at the Arndell Tract. 240 cubic yards of vegetation was removed from the Parkway, Circle and Beachwalker Drive and 1410 cubic yards of C&D material was removed from the beach front at a cost of \$56,605.00. Gary Otter Construction, who is handling the debris site, will grind and dispose of the materials at an estimate cost of up to \$80,000.00.

Mr. Lameo reported the washout at the left side of the spillway on Beachwalker Drive has been backfilled and repairs will have to be made to the bulkhead.

Mr. Lameo stated that following last year's storm approximately 59% of the trash containers were replaced. This time the storm washed away 17 trash containers at a cost of \$350.00 each, 22 dog mitt boxes at \$75.00 each along with the mitt bags, and an unknown amount of beach walkway access posts at \$650.00 each.

Mr. Lameo stated there will be another minor repair done to the washout on the Parkway near Mingo Point and will be taken up in the major Parkway project the Public Works Committee is working on. He also indicated the road counter were underwater again and damaged beyond repair. Replacement will be \$3,000.00 to \$4,000.00.

Mr. Lameo stated he has requested to have the state inspect the pipes under the Hualover Creek Bridge where a dip is forming in the road.

Mr. Lameo reported on the Public Works Committee's major project is to have an Engineering Study done on the Parkway from the Roundabout to the Main Gate to provide an opinion on if repaving is required. He also reported that the Beachwalker Drive repair work has been completed and work on the engineering study of the Parkway Bridge Projects has begun.

Mr. Spicher reported that the recent storm surge damaged ninety-two boardwalks, some having major damage. He state he has made contact with forty-two homeowners or contractors who have made repairs to boardwalks with more contacts in progress. He stated that at weeks end those homeowners, which have not been contacted, will receive letters informing them they have to make some kind or repair to their unsafe boardwalk.

Mr. Spicher stated the Resort- Eugenia boardwalk repairs have been approved from the ARB (Architectoral Board of Review). He stated that all the Community Association Board Walks are open with the exception of six in which repairs are in progress.

Ms. Tillerson stated with the exception of some small furniture punch list items, all interior and exterior punch list items on the Municipal Center have been completed.



Ms. Tillerson indicated that an item coming before the Planning Commission to rezone the Straw Market parcel to Resort. When preparing the recent West Beach rezoning this parcel was overlooked.

- X. Council Member:**
- a. Committee Updates
  - b. General Comments

Mr. Koach had no additional comment.

Mr. Widuch stated that following three month's work, the recommendation from the Helipad Subcommittee is that a helipad should not be built, and that the current site works sufficiently. The Committee has disbanded and a new Ad-Hoc Committee was formed to perform a Law Enforcement review.

Mr. Widuch reported the construction of the Town Hall has come in \$400,000.00 under budget.

Mr. Wilson stated that preceding the Town Council Meeting the Town hosted the members of the Berkeley, Charleston Council of Governments who presented their 2040 Long Range Transportation Planning (LTRP) Roads Presentation along with Mr. Paul Roberts's presentation on traffic volume modeling on Johns Island which included the completion of I-526 and the cross-island parkway. The presentations were followed by a table exercise in which large scale maps of Charleston County were on the table and attendees were invited to markup areas of concern and to provide feedback.

Mrs. Mezzanotte reported that at the Visitor's Bureau meeting, it was announced that Frontier Airlines would be providing nonstop service out of Charleston to Denver, Chicago and Philadelphia in early 2018.

Mrs. Mezzanotte reported that the Arts Council's Jason D. Williams event at the Seabrook Island House sold out the 422 tickets and was standing room only. She stated the next event will be the Orion String Quartet with Tara Helen O'Connor would be tomorrow at Church or our Savior with two more events in the month of October.

Mrs. Mezzanotte stated the first draft of the Arts Survey has been completed and reviewed by Town Staff.

Mrs. Mezzanotte reported on October 15<sup>th</sup> the Town of Seabrook is hosting a performance of the Charleston Symphony to celebrate the Seabrook's 40<sup>th</sup> Anniversary to which the Town has been invited.

Mrs. Mezzanotte reported that the Environmental Committee initially reported 333 turtle nests, compared to 354 last year. 96 of the nests were lost during Hurricane Irma.

Mrs. Mezzanotte reported the Sea Level Rise Committee has had a video conference with the authors of "The Union of Concerned Scientists". And met with Mr. Nom Levine with the College of Charleston who does high level elevation mapping of Charleston. He is currently conducting a

storm surge and sea level rise GSI modeling study of the Charleston area and has agreed to include Kiawah at no charge to the Town.

**XI. Citizens' Comments:**

**Dennis McGill – 100 Pleasant Valley Drive**

Mr. McGill expressed his dismay that a copy of Ms. Tillerson's was not posted on the Town's website and not in the in the public packets available at the meeting.

Mr. McGill questioned of if the new Employee Handbook was voted on and approved by Town Council by Ordinance or Resolution. Mr. Green responded it was responded by Resolution. Mr. McGill referenced several sections of the Handbook, expressed concerns on those sections, and indicated that these were questions he asked months ago but has never received a response.

**Mayor Weaver, along with Ms. Tillerson stated that Mr. McGill could obtain a copy of Ms. Tillerson's new contract by submitting a FOIA request.**

**Mayor Weaver asked the Town Attorney to consider the comments made by Mr. McGill and respond directly back to Mr. McGill.**

**Wendy Kulick – 38 Marsh Edge Lane**

Mrs. Kulick indicated that during the discussion of the employee handbook she raised the question if volunteers would also be required to sign a Conflict of Interest Form. The response at that time was that staff would look into it. She question if a decision had been made.

**Mayor Weaver stated that no decision has been made.**

Mrs. Kulick commenting on the yard debris ordinance and she called attention to a home in her cul-de-sac that does not have place to put their yard debris other than at the edge of a vacant lot. She asked that consideration be given to those kind of situations.

Mrs. Kulick stated in the dune renourishment effort, there was talk that the Timbers had sand available to do further reconstruction. She asked if it was the sand that was removed during the construction, because she understood that in doing dune restoration, the composition and consistence of the sand must be the same as what the dune originally was. She raised the concern that the sand was completely different.

**Mayor Weaver stated that the OCRM permitting process to put sand on the dunes does not require sand testing.**

Mrs. Kulick then asked if the Timbers submitted an application to OCRM.

**Mayor Weaver stated the neither the Town nor the Timber has submitted OCRM applications to that area.**

Mr. Kulick indicated that she did not know which department to thank, but wanted to send a "Thank You" for the very quick clean up after Irma.

**XII. Executive Session:**  
None

**XIII. Adjournment:**

*Mr. Widuch motioned to adjourn the meeting at 4:30 pm. The motion was seconded by Mrs. Mezzanotte and carried unanimously.*

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor

11/7/17

Date