

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

April 3, 2018; 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
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 March 6, 2018

Mr. Widuch made a motion to approve the minutes of the March 6, 2018 Town Council Meeting. The motion was seconded by Mr. Wilson and the minutes were unanimously approved.

IV. **Mayor's Update:**

Mayor Weaver reported that the Planning Commission meeting that was scheduled for tomorrow has been canceled. He stated the only scheduled agenda item, the consideration of the final plat for Parcel 13 by Kiawah Partners, has been deferred to the May meeting.

Mayor Weaver reported on the development of a Johns Island Growth Management Committee to bring together individuals who have an interest, involvement and stake in Johns Island to include the City of Charleston, Kiawah, Seabrook, Charleston County and Johns Island. The Committee will be comprised of elected officials, neighborhood representatives, development community members, and agency leaders to oversee a Johns Island Capital Improvement Plan. Some of the objectives will be to improve the quality of life on Johns Island through transportation enhancements, affordable housing opportunities, preservation of open space and rural land, and mixed use developments that offer a variety of residential, commercial, employment, institutional, recreational, public safety, and open space opportunities and to accommodate the projected pace of residential and commercial growth on Johns Island prioritize and to identify funding sources for community infrastructure needs on Johns Island over the next ten years. Mayor Weaver stated he will be representing Kiawah at the first scheduled meeting of the Committee on Tuesday, April 17, 2018.

Mayor Weaver stated at the last Council meeting there was a discussion and vote to authorize the Town to enter onto a contract with the South Carolina Environmental Law Project (SCELP) in its potential litigation regarding offshore oil exploration. He indicated an agreement with acceptable

terms was reached and the Town, along with several other communities, is now one of the potential names communities should this come to a legal action.

V. Citizens' Comments (Agenda Items Only)

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick asked if in Council's consideration of the Carolina Waste Contract will also include the discussion of staff's recommendation to not give those residents that have back door service the same subsidy given those that have curbside service and the potential effect on cottages, regimes and condo owners.

Mayor Weaver stated that the item on the agenda is only consideration of the Carolina Waste Contract. He indicated that most residents receive solid waste services at no cost with charges applied only to other services. Part of the budget discussion has included a review of the fee structure, which has not been adjusted in several years but will not be discussed today.

VI. Presentation:

A. Communication and Wildlife Departments

Jim Jordan and Stephanie Braswell Edgerton presented the second video in the "Wild About" series. Mr. Jordan explained the series are short videos on various wildlife related topics and research done by the Wildlife Department. The first video released in February was on Marsh Sparrows with the second released in March is on the Town's Bobcat population. Mrs. Braswell Edgerton stated the video series can be found on the Town's Wildlife website and have been viewed around the world.

VII. Old Business:

None

VIII. New Business:

Mayor Weaver indicated the ordinances under consideration have a Public Hearing which will be convened following the presented overview of the ordinances. He noted that the Planning Commission has reviewed and recommended approval by Town Council.

A. Ordinance 2018-02 – to amend Section 12-78, Dock Key Locations to allow a floating dock for property located at 248 Eagle Point Road (TMS# 265-02-00-162). - Public Hearing and First Reading

B. Ordinance 2018-03 - to amend the Town of Kiawah Island Dock Key Locations Map for the property located at 248 Eagle Point Road (TMS# 265-02-00-162) from the Fixed Dock designation to a Floating Dock designation. - Public Hearing and First Reading

Mr. Taylor stated Ordinances 2018-02 and 2018-03 are a text and map amendment to the Town's Dock Key Locations which is used to control the proliferation of docks on the island. He noted the two types docks, fixed and floating, and reviewed the application from Eagle Point Partners requesting the amendment of a fixed location and the creation of a new designation for a floating location. Mr. Taylor indicated the applicant had also submitted an application to OCRM for a bridge to allow access to the proposed new dock location.

Mayor Weaver opened the Public Hearing for any comment.

Ray Pantlik – representative for Eagle Point Partners

Mr. Pantlik gave a more detailed review of the reason for the applicant's request. He noted that while the property was located in a Key Location, with the Town's and OCRM regulations and the lots location on the surrounding creeks a dock with access was not feasible requiring the application for the requested amendments.

Charles Lipuma – 201 Horned Greebe Court

Mr. Lipuma asked for clarification on points of the presentation. He questioned why the change from the fixed to floating dock classification and the disposition of the new designation if the bridge is not approved by OCRM.

Mayor Weaver closed the Public Hearing.

Mr. Widuch made a motion to approve the first reading of Ordinance 2018-02 – to amend Section 12-78, Dock Key Locations to allow a floating dock for property located at 248 Eagle Point Road. The motion was seconded by Mrs. Mezzanotte.

Following further discussion, the motion was unanimously passed.

Mr. Wilson made a motion to approve the first reading of Ordinance 2018-03 - to amend the Town of Kiawah Island Dock Key Locations Map for the property located at 248 Eagle Point Road from the Fixed Dock designation to a Floating Dock designation. The motion was seconded by Mrs. Mezzanotte and was unanimously passed.

Mr. Taylor reviewed Ordinances 2018-04, 2018-05, 2018-06 which include a Comprehensive Plan amendment, text amendment and zoning map amendment applications in accordance to property on the Ocean Course. The applications submitted by the Ocean Course Golf Club include the creation of a new Future Land Use category, the creation of a new zoning classification which will parallel the new Future Land Use category and rezoning of the property. He noted the Planning Commission reviewed and recommended approval

- C. Ordinance 2018-04 - to create a new Future Land Use Category Active Recreation, Residential and Open Space; and to change the existing Future Land Use designation for the property located at 1000 Ocean Course Drive (TMS 265-16-00-184) from Active Recreation and Open Space to Active Recreation, Residential, and Open Space. - Public Hearing and First Reading**
- D. Ordinance 2018-05 - to create a new zoning district, PR-OC: Parks and Recreation - Ocean Course - Public Hearing and First Reading**
- E. Ordinance 2018-06 - to rezone the property located at 1000 Ocean Course Drive (TMS 265-16-00-184) from the Parks and Recreation (PR) Zoning District to the Parks and Recreation – Ocean Course (PR-OC) Zoning District. (28.753 acres) - Public Hearing and First Reading**

Mayor Weaver opened the Public Hearing for any comment.

Charles Lipuma – 201 Horned Grebe Court

Mr. Lipuma stated that in the Development Agreement there is a maximum the number of bedrooms that are permitted. He questioned if there is any impact to increase or decrease that maximum.

Mark Permar – Representative of the Ocean Course Golf Club

Mr. Permar stated the three amendment applications are aligned with the previously approved plat as well as the language and stipulations of the most recently approved Development Agreement. He commented on Mr. Lipuma's earlier question by stating the bedroom count limitations are specific to the two Resort Village areas and in terms of alignment with residential pattern there have to meet other standards related to that.

Mayor Weaver closed the Public Hearing.

Mr. Wilson made a motion to approve the first reading of Ordinance 2018-04 - to create a new Future Land Use Category Active Recreation, Residential and Open Space; and to change the existing Future Land Use designation for the property located at 1000 Ocean Course Drive from Active Recreation and Open Space to Active Recreation, Residential, and Open Space. The motion was seconded by Mrs. Mezzanotte.

Following further discussion, the motion was unanimously passed.

Mr. Widuch made a motion to approve the first reading of Ordinance 2018-05 - to create a new zoning district, PR-OC: Parks and Recreation - Ocean Course. The motion was seconded by Mrs. Mezzanotte and was unanimously passed.

Mr. Wilson made a motion to approve the first reading of Ordinance 2018-06 - to rezone the property located at 1000 Ocean Course Drive from the Parks and Recreation (PR) Zoning District to the Parks and Recreation – Ocean Course (PR-OC) Zoning District. The motion was seconded by Mrs. Mezzanotte and was unanimously passed.

F. To Consider Approval of the AirMedCare Contract Renewal

Mr. Widuch stated the AirMedCare Contract reviewed by the Public Safety and Ways and Means Committee who recommend approval of a third year of providing the helicopter transport service to the island residents. The terms and conditions of the contract remain the same as previous years.

Mr. Widuch made a motion to recommend to Town Council the approval of the AirMedCare Contract in the amount of \$8,163.00. The motion was seconded by Mr. Wilson and was unanimously approved.

G. To Consider Approval of the Summit Building Services Contract Amendment

Ms. Tillerson stated that the Town currently has a contract with Summit Building Services for janitorial services at the Municipal Building. The initial work schedule was based on twice weekly cleaning services as was in our previous building's service. Upon reaching the mid-year point, staff has determined the twice weekly cleaning schedule is not sufficient to maintain the building to our standards. Staff is requesting the contract between the Town and Summit Building Services be amended to three-time weekly cleanings that will be performed on Tuesday, Thursday and Saturday. This agreement will amend the present contract by fifty (\$50.00) per week to nine

thousand eight hundred fifty-one (\$9,851.00) per annum. The contract was reviewed and recommended for approval by the Ways and Means Committee.

Mr. Wilson made a motion to recommend to Town Council the approval of the Summit Building Services Contract Amendment for an additional weekly cleaning at a cost of \$50.00 per week. The motion was seconded by Mrs. Mezzanotte and was unanimously approved.

H. To Consider Approval of the Proposal from Carolina Waste for Solid Waste Services

Mayor Weaver stated the contract was reviewed and recommended for approval by the Ways and Means Committee.

Ms. Tillerson stated the present contract with Carolina Waste is ending June of 2018. The Town issued a request for proposals (RFP) and received two proposals:

Carolina Waste Services – Present contractor - Proposed Annual Cost	\$951,743.00
Republic Services – Previous contractor – Proposed Annual Cost	\$2,576,092.00

Ms. Tillerson stated that as part of the RFP was the request to provide technology to better track the performance of the different services. Staff reviewed and compared the operating costs factors as submitted by both companies and is recommended the selection of the submitted proposal from Carolina Waste and Recycling, LLC based upon their past service record and the overall cost of the contract which does not have a significant increase.

Mr. Koach made a motion to recommend to Town Council the approval of the proposal from Carolina Waste and Recycling for Solid Waste Services in the amount of \$951,743.00. The motion was seconded by Mr. Wilson and was unanimously approved.

I. Discussion of a new Charleston County Sherriff’s Office Staffing Model

Mayor Weaver stated that the Public Safety Committee and Mr. Widuch had over the past months reviewed the current and long-term law enforcement model with the Charleston County Sheriff’s Office (CCSO) and developed an alternative staffing approach. He stated that following the presentation of an overview of the new approach for Council comment and feedback and if there are no objections by the members of Council, for discussion to begin with Charleston County.

Mr. Widuch stated the Law Enforcement AdHoc Committee was formed in Fall of 2017 to review what the best law enforcement model should be for Kiawah into the future in light of continued growth.

Mr. Widuch stated that the current model with the CCSO is that Kiawah employs, as W2 employees, 39 deputies who are off duty from their primary assignments. The contract calls for three deputies on Shift 1 (7 am - 3 pm), four deputies on Shift 2, and three deputies on shift 3. If the all shifts were full covered the contract cost would be \$1.1 million. Current staffing on average is, 2.25 deputies on Shift 1; three deputies on shift 2, and two deputies on shift 3 at a cost of \$700,000.00 to \$750,000.00 per year. Mr. Widuch noted the weak points of the current model has been identified as:

- (1) CCSO is challenged when trying to provide additional deputies for staffing,
- (2) liability of the deputies as Town W2 employees.

The subcommittee looked at several surrounding communities: Folly Beach, Isle of Palms, and Hilton Head, and concluded the best approach would be to change the current model to have CCSO hire and provide full time deputies assigned to Kiawah.

The subcommittee met with the CCSO on two occasions and recommended to the Public Safety Committee that Kiawah spend the next two years transitioning to a full time, CCSO staffed, law enforcement model.

The benefits of this approach have been identified as:

- (1) Full time, assigned to Kiawah deputies who will better know the community and its residents and business owners,
- (2) The Town will no longer pay deputies on W-2s, reducing potential liability in the event of an incident,
- (3) The ability to grow the force if needed in the event of increased need, eliminating the capacity problem we have today.

He explained that each new hire carries an \$85,000 up front cost with an annual cost thereafter run roughly \$85,000.00 per year. The subcommittee recommended hiring four deputies working twelve-hour shifts in FY 2018-2019 and an additional four deputies in FY 2019-2020 providing 24 hours per day coverage

The members of Public Safety Committee discussed this issue to include a CCSO representative, and recommended approval.

Discussion included the advantages of having the same deputies on the island, the reduction of liability with the elimination of the deputies as W2 employees and visibility of deputies in marked vehicles. Members also discussed the upfront cost of \$1,100,000.00 for the first year but compared it to the cost of the current model if it were fully staffed, the need to still have off-duty deputy coverage for certain weekends, events, high season periods. Approval of the Charleston County Council is required once the CCSO contract negotiations are completed, review and approved by the Ways and Means Committee.

J. Discussion of the Building Permit Process

Mayor Weaver indicated the discussion of the building permitting processes addresses concerns of homeowners over the impact and cost permits, licenses and simplifying the processes.

Mr. Widuch indicated the Building Services staff reviewed the permitting process to see if it could be made more user friendly while still conforming to the FEMA guidelines. A very strict reading of FEMA guidelines imply that a Town needs to track improvements done to homes in order to know when certain thresholds of improvements have been reached, such a policy reduces their exposure to flood claims in the long run. (i.e. an owner who spends invests 50% or more of his home's value into the structure is required to bring the property into compliance of all current codes.)

After going through these regulations, and reviewing how other communities in our region interpret these regulations, we believe a more liberal interpretation is allowed. Charleston County and Mt. Pleasant are models in this interpretation.

Mr. Widuch indicated that staff is trying to run some numbers to determine if the possibly exists to raise the dollar amount threshold at which residents must secure a trade permit for things like interior painting, wallpaper, carpeting, etc. or whether to eliminate trade permits altogether. The

Town will continue to require permits on any activity which requires an inspection. In broad category, this means plumbing, propane, electrical, mechanical, and structural.

A recommendation to eliminate trade permits would result in a loss of revenue. While the amounts are not easily obtained and are requiring some manual review, there is the potential of raising the fee structure on the higher end to recoup some lost funding. Mr. Widuch indicated that he is waiting on a good estimate of revenue before making a recommendation.

Mr. Widuch indicated that staff would like some guidance on whether Council is willing to sacrifice some revenue to reduce the customer burdens to secure permits for work as low as \$1000, and on whether Council has any interest in reviewing the Fee Schedule to consider raising fees on the higher end to partially offset lost revenue elsewhere.

Discussion included if there would be any benefit to the residents from the contractors, and the impact on the workload of Town staff with the elimination of the trade permits. Members agreed that the idea of raising the threshold amount or the elimination of trade permits, but not in favor of increasing fees elsewhere.

IX. Other Business:
None

X. Town Administrator's Report:
None

XI. Council Member:
a. Committee Updates
b. General Comments

Mrs. Mezzanotte reported on a new subcommittee of the Environmental Committee will begin meeting at the end of April to document Kiawah is landscaping issues and develop a plan to improve esthetics, wildlife benefits, and storm water management.

Mrs. Mezzanotte reported on the Charleston Visitors Bureau "Parking Options on the Peninsula" poster which outlines parking options for downtown workers and encourages use of the "Park and Go." She also noted the CVB will be giving a presentation to Town Council at its May 1st meeting.

Mrs. Mezzanotte reported on the Sea Level Rise Committee's meeting with Tony Elder with the Community Association to discuss Emergency Management procedures and gave a listing of upcoming discussion items for April.

Mr. Wilson reported that the budget process was moving along with the final budget being reviewed at the next Ways and Means Committee meeting and making a recommendation to Town Council for approval. The approval process will require two readings at the May and June Council meetings and a Public Hearing.

Mr. Wilson reported that the issue of I-526 has been raised again with the County suggesting the location of a funding source, but with the State Infrastructure Bank's lack of interest in spending money in Charleston County and the permitting process the likelihood of completion is far into the future.

Mr. Koach stated that at the last Council meeting there was a discussion on taking legal action against the former auditors and asked for an update.

Mr. Green stated that with Council authorization, he was able to receive and review information from the current auditors to set forth the perimeters of the demand letter, which could go out as early as this week.

Mayor Weaver stated that over the past years, Council has had discussion relating to alternatives in the overall management of the Arts and Cultural program. He indicated the Town has explored if there were any advantages to making the Arts Council a non-profit origination or 501 (c)(3) that is Town controlled and funded. He noted that there are some long-term advantages that have been identified, and that he will be meeting with the members of the Arts Council on Thursday to give them an overview and to get their feedback.

XII. Citizens' Comments:

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick thanked Council for their Charitable Contribution support for the Sea Island Habitat for Humanity. She stated that Women Build was coming up next week and noted that the recipient of the home that was being built for a Community Association Employee. She also indicated that contributions could be made specifically to Sea Island Habitat for Humanity – Women Build.

Mrs. Kulick asked Town staff to look into making allowances for those individuals that have temporary mobility issues.

Mrs. Kulick asked if the Mayor and Mayor-pro Tem would be continuing the practice of meeting with the Chair and Vice Chair of the Community Association Board.

Mrs. Kulick stated it was reported that the delay of the review of the final plat that included Duneside road was for the completion of a traffic study. She noted her confusion, thinking a study had already been done. She stated that with the anticipated development of the area she suggested that traffic study included the Timbers, along with all of the Partners property in West Beach including Captain Sam's Spit.

Mayor Weaver stated that it his intention to resume the monthly meeting with the Community Association Board. He noted that scheduling a time was a challenge but would be worked out.

Mayor Weaver stated that the consideration of the final plat falls under the purview of the Planning Commission and that Council had no authority or involvement but will forward her concerns.

Dennis McGill – 100 Pleasant Valley

Mr. McGill read from a statement prepared and presented to members of Council that detailed his concerns with errors he felt were made by the forensic auditor in the calculation of salary and then the calculation of repayment agreement of the Town Clerk.

Mr. McGill stated that he used a copy of the redacted forensic audit to recreate the salary figures and estimated, by his calculations, the first error was made in 2013 and continued thereafter. He asked that Council review his materials and if interested, to correct what he felt was a mistake.

Mayor Weaver thanked Mr. McGill for the time he had taken to review the issue and for the documents provided in correspondence with the Town Administrator. He stated that the materials were considered and offered to sit down with Mr. McGill to clarify what seemed to be a misunderstanding of some of the data he has.

Mr. McGill stated that he appreciated the Mayor's offer, indicating that a response to his concerns was what he was looking for and was only interested in correcting what he felt was a mistake.

Dee Wardle – 130 Turnberry

Ms. Wardle stated she wanted to speak to Council about the house directly across the street from her home that was condemned over a year ago presenting a photograph of what she and her neighbors see every day. She thanked the Town for its help with the condemnation but has been informed that there has been another issue to delay the removal of the home and asked for an update on what will be done since the home is a safety issue.

Mr. Greene responded by stating that there are legal requirements that have to be met before taking a home, a condemnation specialist was engaged. Mr. Green explained the statutory process to notify and serve all stakeholders involved allowing for a thirty-day response time and the hearing of a summary judgement which could take thirty to ninety days. He stated that if any of the steps are sidestepped, the Town could be sued by a stakeholder for improper conversion of property. He stated that an effort will be made to keep Ms. Wardle and the neighbors updated on the statutory process.

Ms. Wardle expressed her concern that while she understands it is a slow process, it has been over five years.

Mayor Weaver offered to meet with Ms. Wardle, any interested neighbors and the Community Association representative to view the condemnation order and review the process underway.

Jimmy Bailey – Kiawah Island Community Association

Mr. Bailey commented on the commendation discussion and stated that a covenant change that would give the Community Association greater enforcement in similar issues had been made and would be implemented in the next few months. He noted that the Community Association has a file on the property with approximately eighty letters to the homeowner.

Mr. Bailey stated the Community Association would be willing to participate in the Town's effort to make the permitting process more "customer friendly" with either participating in technological improvements or other support. He noted that it was an important issue and applauded the Town's efforts.

Mr. Wilson made a motion to move into executive Session on a personnel matter to discuss Town employee salaries. The motion was seconded by Mrs. Mezzanotte and unanimously passed.

XIII. Executive Session:

A. Personnel Matter to Discuss Town Employee Salaries

Mr. Wilson made a motion to return to Regular Session. The motion was seconded by Mrs. Mezzanotte and unanimously passed.

Upon returning to Regular Session, Mayor Weaver stated that no decisions were made or votes taken that would bind the Town to a specific course.

XIV. New Business:

K. To Consider Approval of the New Employee Salary Ranges


Mayor Weaver stated the purpose of the salary discussion was related to the new employee salary ranges. The recommendation has been made to substitute the existing salary structure ranges with a new structure that would include grades two through twenty. The range would have a minimum, mid and maximum point on the salary scale.

Mayor Weaver made motion to adopt effective July 1, 2018 the salary structure as presented. The motion was seconded by Mr. Koach and unanimously passed.

XV. Adjournment:

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

Submitted by,

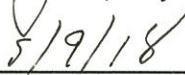


Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor



Date