

TOWN COUNCIL MEETING

Kiawah Island Municipal Center
Council Chambers

December 4, 2018; 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
Chris Widuch
Jack Koach

Also Present: Stephanie Monroe Tillerson, Town Administrator
Dorota Szubert, Town Treasurer
Dwayne Green, Town Attorney
Petra Reynolds, Town Clerk

III. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of November 13, 2018

Mr. Wilson made a motion to approve the minutes of the November 13, 2018, Town Council Meeting. The motion was seconded by Mr. Widuch and the minutes were unanimously approved as amended.

IV. **Mayor's Update:**

Mayor Weaver asked Mr. Widuch if during his comments he would give an update on the Turnberry issue along with an update on the Kiawah Fire Commissioner nomination.

Mayor Weaver stated that he would like to make his comments on the last meeting of most of the current members of the Council to the end of the meeting.

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

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick reiterated the comments she made at the Ways and Means Committee Meeting. With the majority of the Council not seeking re-election, the fact that they have been willing to put in all the time that has been required is something that should be appreciated. She also commented on the election turn-out today and stated that if people don't participate, they have not right to complain.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill commented on the new contract for the Town Attorney, Mr. Green, that was on the agenda. He indicated that he had some serious questions which he addressed in an FOIA (Freedom of Information Act) request. He stated that in his request he asked if there had been any amended or new agreements with the Town Attorney since February 2018 or DHG (Dixon Hughes and Goodman) since March of 2016. He asked the question because he noted an increase in the monthly billings from Mr. Green starting in July and anticipated a new or amended contract to account for the increase to have

been passed by Council earlier than at this meeting. He also called attention to the contract being put before an outgoing Council rather than waiting until after the new year when the new Council is in place. In his opinion, the new Council should have the opportunity to review the new compensation contract and vote on it at the time the Town Attorney is reappointed.

VI. New Business:

Mayor Weaver stated that items A, B, and C were discussed in the Ways and Means Committee a week ago, and were recommended to Town Council for approval

- A. To Consider Recommendation to Town Council to Approve Deputy Coverage Contract with Charleston County Sheriff's Office

Mr. Widuch motioned to approve the Deputy Coverage Contract with Charleston County Sheriff's Office. The motion was seconded by Mrs. Mezzanotte.

Mayor Weaver stated that when recommended by Ways and Means the work on the contract language was still in progress. Ms. Tillerson indicated that just before the meeting she received an updated copy of the contract which she distributed to the members. She noted that she made revisions based on comments from discussions between the County Attorney, Mr. Green and herself, with those being highlighted. She also indicated that now included in the contract was "Exhibit C" and a "Schedule A" on page 14 which are the assignments for two deputies beginning March 1, 2019, with up to two additional deputies to be assigned upon availability. She indicated that the Charleston County Sheriff's Office (CCSO) understood that there should be four deputies, they would be committing to have two deputies and if they have to supplement due to illness or vacation that they would backfill at their cost.

Ms. Tillerson stated that with the changes that have been made she is comfortable with the agreement but like the Mayor to have the opportunity to review it. Mayor Weaver added they are some financial issues, such as the valuation of vehicles, that are still be discussed.

Mr. Widuch stated that the agreement would staff the first shift from 7:00 am to 7:00 pm with permanent deputies. The additional two eight-hour shifts, from 4:00 pm to 12:00 am and from 12:00 am to 8:00 am, will continue to be staffed with off-duty deputies.

Following further discussion, Mr. Widuch amended his motion to give authority to the Mayor and Town Attorney to jointly work out any additional details on the contract. The amended motion was seconded by Mrs. Mezzanotte and was unanimously passed.

- B. To Consider Recommendation to Town Council to Approve of the Town Attorney's Contract

Mr. Wilson motioned to approve the Town Attorney's Contract. The motion was seconded by Mrs. Mezzanotte and was unanimously passed.

- C. To Consider Recommendation to Town Council to Approve the Proposal from Sanders Brothers for Cleaning & Inspection of Parkway Storm Drainage

Mr. Widuch motioned to approve the Proposal from Sanders Brothers for Cleaning & Inspection of Parkway Storm Drainage. The motion was seconded by Mrs. Mezzanotte and was unanimously passed

VII. Other Business:

None

VIII. Town Administrator's Report:

Ms. Tillerson reported that in February the Town along with other coastal communities that are a member of the South Carolina Beach Advocates would have their annual meeting on the 12th and the 13th. Mr. Jordan, the Town Biologist, will be one of the panelists and discuss the sea level rise report, and she will be attending the conference as well. Ms. Tillerson indicated that the conference is centered around hurricanes, the impact, and kind of lessons learned in the last few hurricanes that have impacted us.

IX. Council Member:

- a. Committee Updates
- b. General Comments

Mr. Koach reported there would be a Planning Commission meeting tomorrow at 3:00 pm. Mayor Weaver indicated that the one subject under consideration is a proposal for a revision to the plat for Parcel 13. The underlying issue is the change in the plat which reconfigures the access of dwelling units in Parcel 13 to allow them to enter and exit the island off of Duneside Road rather than Beachwalker Drive. It also essentially incorporates the conditions and agreement that were reached in an MOU (Memorandum of Understanding) between the Community Association and Kiawah Partners.

Mayor Weaver stated that the members of this Council and those running for Council had received quite a few emails from residents raising their concerns along with emailing member of the Planning Commission themselves. He reiterated that the responsibility for this decision solely lies with the Planning Commission under Town's Ordinance and under the law. The Town Council does not have a formal role in this decision, the decision of the Planning Commission is final, and there is not a provision for their decision to come back for any review by Town Council.

Mr. Widuch reported that Mr. Bob Wright, the only applicant for the St. Johns Fire Commission from Kiawah, was recommended to the County Council and approved at their last meeting.

Mr. Widuch reported that on Friday of last week a hearing was conducted in downtown Charleston for the final decision on permission to demolish 122 Turnberry. Following a relatively short presentation by the lawyer with the judge agreeing and an order will be submitted Friday or on Monday. Mr. Widuch indicated that is now a thirty (30) day wait period to allow for any last-minute appeals. Barring any appeals, it is expected that the property will be demolished in the first half of January. Ms. Tillerson added that the contractor has started the preparation process for the demolition and that a mechanical lien would be recorded with the Charleston County Clerk's Office on the property. When the property is sold, the Town will recover any costs incurred.

Mr. Wilson reported that the Public Works Committee has met to discuss putting together an RFP (Request for Proposals) for the engineering work on the Parkway project now in progress. He stated that Kimley-Horn, the consultant working on the redesign of Beachwalker Drive, presented a preliminary design. Ms. Tillerson stated that after discussions with Charleston County Parks, and a representative from the Partners it looks like there will be enough right-of-way that a shift in the road to the north requires very little if any, right-of-way from the Partners. She indicated that the final design proposal would be presented to the Public Works Committee on December 10th.

Mr. Wilson stated that over the last three and a half years there had been a lot of changes at the Town regarding how business is conducted, and what kind of controls are now in place, in his professional opinion have improved dramatically in that period. He noted that no matter what controls are in place there is no such thing as a control that is one hundred percent foolproof. The most important change that was made was replacing the Town Administrator and Treasurer that are both competent and honest.

Mrs. Mezzanotte reported that through the Environmental Committee the Town has been working with the College of Charleston and one of its graduate students to continue the Kiawah Sea Level Rise work

that began and will start working with the Town of a five to six months period in early 2019. The project will produce very detailed flood maps for Kiawah that can be used to assess vulnerabilities, identify problem areas, and allow for better storm preparation and response.

Mrs. Mezzanotte reported that also from the Environmental Committee is the Grow Native Program. She indicated that Ms. Donahoe has been working with Mr. Jordan, a member from the Resort, the ARB (Architectural Review Board), the Community Association and the Conservancy to set up a native plant database that will be released to the public in early January 2019. The database will be a tool for property owners and landscapers to select appropriate native plants based on 23 different criteria that will be searchable. She noted that the program would be helpful, and a lot of attention needs to be given to make sure the public understands what it is and how they can use it.

Mrs. Mezzanotte reported the last Arts Council event for the calendar year is Western Wind who will be performing a Christmas Hanukkah show at Holy Spirit Catholic Church. The performance will be at 7:30 with over four hundred tickets having been distributed.

Mr. Koach commented on the early statement made that the “the Town Council does not have a formal role in this decision, the decision of the Planning Commission is final”, he stated that if at the conclusion of the meeting, and an amicable outcome is not reached where the Partners bring an action against the Planning Commission, he wanted to confirm that the Town Attorney would be involved.

X. Citizens’ Comments:

Maryanne Connelly - 4927 Green Dolphin Way

Mrs. Connelly questioned if any of the suggestions from the Sea Level Rise Report would be implemented for the design of the Parkway.

Mr. Wilson responded that the Public Works Committee are aware of the report and some member has reviewed it. He indicated it is an integral part of the evaluation from the consultant and the engineering firm that is hired.

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick reiterated her disappointment in the voter turnout. She indicated that she sent notices to both I-Kiawah and around Kiawah bemoaning how few people had voted and urging people to do so.

Mrs. Kulick spoke about the ban the single of using plastics that eleven other coastal communities have implemented and questioned and where the Town stood on that issue.

Mrs. Kulick thanked Mr. Koach on his last comments on the item the Planning Commission is going to address tomorrow because while it is the Planning Commission decision, the Town Council has responsibility for public safety, and is clearly one of the most important issues that will have to be considered.

Mrs. Kulick commented on the article she saw about the Berkeley County Government and the issue they are with their auditing firm, especially since it is the auditing firm that was engaged by the Town following the predicament with the former administrator and treasurer and bring into sharper focus on critical the changes that Mr. Wilson initiated, and Council adopted, to hopefully not allow such an occurrence to happen again.

Mayor Weaver commented that obviously, the Town was aware a year ago of the Town’ auditing firm was the same as for the Berkeley Council School District. At that time both he and staff, along with some Council Members and the Audit Committee all talked with the auditors at different times to

make sure we understood clearly what the nature of the issues were and what their involvement was to get comfortable that they didn't impact the Town's relationship with the auditors. He did indicate that the article included some facts or information that was different than what members had seen in the past.

The Town's Audit Committee, which will be unofficially chaired by Mr. Said, will be meeting to gain a better understanding of what happened, what the new allegations are and if there was anything would be impactful on view of the auditor.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill comment on continuing the complaints against Ms. Rucker and Mr. Gunnells. He called attention to the plea agreements and stated he noted several things relating to the determination made of the money amounts by the US Attorney. He reviewed his calculations which were less than what the Town forensic auditors calculated. He was also bothered by the fact that not only the mistakenly overpaid employees but the plea agreements did not have any interest calculated within the payback.

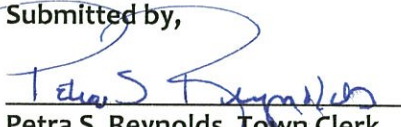
Mayor Weaver wanted to finish this last Town Council meeting by giving sincere thanks, not only on behalf of himself but also on behalf of the community to Mrs. Mezzanotte, Mr. Wilson, and Mr. Koach, along with Mr. Widuch, even though he is running for re-election, for all their fantastic contributions, and the impact they have had over the past years. After reviewing each member's accomplishments, contributions, and strengths, he stated that he has heard the term "volunteer" used when referring to serving as a member of the Council. The term is defined as receiving no compensation, but it in no way describes the responsibilities, the amount of involvement, and the many hours that each of the members contribute of their skills, abilities, and insights along with showing a community that in an environment where these days entities don't seem to get along so well that as a group, this is an entity that has always shown civility and respect for each other and can make good decisions on the community's behalf.

XI. Executive Session:
None


XII. Adjournment:

Mr. Widuch motioned to adjourn the meeting at 2:57 pm. The motion was seconded by Mrs. Mezzanotte and carried unanimously.

Submitted by,


Petra S. Reynolds, Town Clerk

Approved by,


Craig E. Weaver, Mayor

1-18-2019
Date