



TOWN OF *Kiawah Island*®

Mayor

Craig E. Weaver

Council Members

Jack Koach

Diana L. Mezzanotte

Chris Widuch

John R. Wilson

Town Administrator

Stephanie Monroe Tillerson

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TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

March 6, 2018; 2:00 PM

AGENDA

- I. Call to Order:
- II. Pledge of Allegiance
- III. Approval of Minutes:
 - A. Minutes of the Council Strategic Planning Retreat of February 1, 2018 [Tab 1]
 - B. Minutes of the Council Strategic Planning Retreat of February 2, 2018 [Tab 2]
 - C. Minutes of the Town Council Meeting of February 6, 2018 [Tab 3]
- IV. Mayor's Update:
- V. Citizens' Comments (Agenda Items Only):
- VI. Presentations:
 - A. Lowcountry Go Initiative - Vonie Gilreath, BCDCOG Mobility Manager
- VII. Consent Agenda:
- VIII. Old Business:

None
- IX. New Business:
 - A. Approval of Charitable Contributions Funding Recommendations [Tab 4]
 - B. Approval of the Coastal Science and Engineering Proposal for Beach Monitoring [Tab 5]
 - C. Approval of the Palmetto Gunito Proposal for Bridge Repairs [Tab 6]
 - D. Approval of the Night Heron Park Company Franchise Agreement [Tab 7]
 - E. Arts & Cultural Events Council Appointments [Tab 8]
 - F. To Consider Town's Involvement in South Carolina Environmental Law Project Litigation
- X. Other Business:

None
- XI. Town Administrator's Report:
- XII. Council Member:
 - a. Committee Updates
 - b. General Comments
- XIII. Citizens' Comments:
- XIV. Executive Session:

None
- XV. Adjournment:

FOIA: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

TOWN OF KIAWAH ISLAND
2018 Council Strategic Planning Retreat
Kiawah Town Hall
Room: Council Chambers
February 1, 2018

MINUTES

Call to Order: *Mayor Weaver called the meeting to order at 1:00 pm*

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

Opening Comments:

Mayor Weaver began by stating that where past retreats have focused on strategy and major issues this year the focus will be more on Ms. Tillerson and her leadership team as they take on more of the day-to-day activities of the Town. The department heads will discuss what they see as priorities and strategies going forward into the future in an open dialog with Town Council.

Overview & Expectation

Ms. Tillerson briefly outlined items to be discussed over the two days of the Retreat, the Town's Vision and Mission Statements, along with the evaluations of both individuals and departments which began this discussion process. She introduced Ms. Joan Ustin, explaining that she would be facilitating today's discussions.

Ms. Ustin started with the Town's Vision Statement which is part of the Town's Comprehensive Plan.

***Our Vision:** The Town of Kiawah Island is a residential community incorporating a world-class resort and a unique, vibrant shopping village within a natural maritime setting that is being preserved and enhanced for current and future generations.*

With an agreement, by staff, that the Vision Statement solid, work began on a mission statement to reflect the work or purpose of the Town. She reviewed the proposed Mission Statement and asked for feedback.

***Our Mission:** To protect and preserve the residential character of the community and the Island's unique natural environment while supporting the economic vitality of the resort and other commercial enterprises.*

Following discussion on the language stating "To protect and preserve the residential character of the community" the suggestion was made to preface the language by adding "Consistent with the Island's Comprehensive Plan and Development Agreements to protect....."

Ms. Ustin gave an in-depth reviewed of several of the overarching themes, issues, or challenges which effect all or some of the departments and/or initiatives they have identified for the coming year.

- ▶ Improving customer service
- ▶ Improving work processes
- ▶ Choosing the right technology solutions
- ▶ Broadening communication/outreach to Island residents, visitors and the greater Charleston community
- ▶ Ensuring maximum efficiency of new facilities

Department Discussions

• ENVIRONMENTAL & WILDLIFE

Mr. Jordan stated the mission statement of the Environmental & Wildlife Department was “To manage, promote, and maintain the Town’s natural resources through research, monitoring, management, and public education.” He reviewed the four Major Goals and objectives as outlined in the 2015 Comprehensive Plan. He gave an in-depth explanation on each of the six department responsibilities which include Research, Wildlife Population Monitoring, Natural Resource Management, Public Education and Outreach, Beach Management, and GIS and Mapping.

Mr. Jordan reviewed his department’s 2018 initiatives:

- ▶ *Wild About Video Series. Monthly series highlighting research and important wildlife issues. 2-4 minute length. Joint with Communications Department*
 - ▶ *Bobcats, Sea Turtles, Marsh Sparrows, Deer surveys, Alligator feeding, more.....*
- ▶ *Alligator research – Join statewide effort to increase knowledge of alligator behavior, evaluate safety methodology, and management techniques (Clemson PhD project)*
- ▶ *Dolphin Stewardship and Education – Program likely expanding to Seabrook. Add research component to gauge effectiveness of volunteer educators*
- ▶ *Sea Level Rise Report – inform and educate entities and owners, Fall 2018*
- ▶ *Landscape Revitalization – Develop an island-wide initiative to promote native plants, dense understory, improve landscaping practices*
- ▶ *School groups and outreach – Expansion for 2018. Increase in number of field trips (4 to 6-8) and addition of teacher training and classroom component (Engaging Creative Minds)*
- ▶ *Complete/Update Reports*
 - ▶ *Bobcat Management Guidelines*
 - ▶ *Bird Banding 5-year review*

Mr. Jordan reviewed some of his department’s challenges:

- ▶ *Dealing with a rapidly changing population of visitors*
 - ▶ *Alligator Feeding, Dogs off leash on beach*
- ▶ *Working with multiple entities to implement programs*
- ▶ *Limited involvement in planning and development decisions*
- ▶ *Limited ability to directly preserve, manage, protect land and habitat*
 - ▶ *Requires partnerships*

• PUBLIC WORKS

Mr. Lameo stated the major components of the Publics Works Department is Facility Management and Contract Liaison, but also includes Emergency Preparedness, Solid Waste and some Public Safety related items. He gave an in-depth review of the each of the components.

Mr. Lameo reviewed his department's 2018 initiatives:

- ▶ Complete all preventative maintenance (PM) contracts before mid-year. At present, five of ten contracts in place.
- ▶ Develop annual schedule for preventative maintenance (PM)
- ▶ Research, obtain and implement new software to improve efficiency in compiling data and accuracy in scheduling dates for tracking projects, issuing work orders and maintaining inventories.
- ▶ Identify, develop Request for Proposal (RFP) and disseminate for current contracts ending in 2018. Move forward with construction stage with both road projects (Parkway and Beachwalker Drive)
- ▶ Create 2018-2019 budget to include projects under the five year plan
- ▶ Compile billing data to ensure building is operating at peak efficiency (Water, Electric, and HVAC).
- ▶ Implement an in-house Safety Program for staff in 2018.
- ▶ Work with building contractor (Thomas Cook) prior to expiration of warranties by June 2018.

Mr. Lameo reviewed some of his department's challenges:

- ▶ New facility is larger than previous building with state of the art and more sophisticated equipment which requires additional technical systems/software training
- ▶ "Time"
 - ▶ process to complete projects usually takes several months - approval process is lengthy
 - ▶ Trash monitoring is labor intensive; area needs internet capabilities. Presently working with ATT-Comcast to acquire lines
- ▶ Staffing – one person for most projects however, receives assistance from other departments.

• DEVELOPMENT SERVICES

Mr. Spicher reviewed the responsibilities of the Development Services Department which include to plan, organize, control, integrate and evaluate Community Development Department functions and staff to include all island development, zoning, and floodplain activities on Kiawah Island, while safeguarding public safety and general welfare of the citizens of Kiawah Island. He discussed each of the major goals of protecting the Island's next generation, reorganizing to revamp customer service and achieving ICC Certifications. He gave a detailed explanation of the new floodplain maps, his concerns that they are inaccurate and his proposal for the Town to conduct a floodplain study. He also reviewed the permitting workload and requests to move business licensing out of the permitting department, addition of a Voice Interactive Response System (IVR), and temporary help for plan review and inspections during the Resort's projects.

Mr. Spicher reviewed his department's 2018 initiatives:

- ▶ Develop consistent, systematic approach to ensure Resort projects are completed in a timely manner.
- ▶ Roll-out Rental and Beach Management Ordinance marketing campaign
- ▶ Provide training opportunities to ensure staff meets required job competencies
- ▶ Provide adequate staffing to ensure the department is capable of performing a high level of customer service both external and internal

Mr. Spicher reviewed his department's challenges and priorities:

- ▶ Challenges:
 - ▶ Training - current budget line item allowance is adequate to meet all training needs.
 - ▶ Staffing - cost of hiring and training new employee
 - ▶ IVR - cost and timeline for implementation
 - ▶ Comprehensive flood study- costs and time for completion
- ▶ Priorities
 - ▶ Comprehensive Flood Study
 - ▶ Achieving customer service excellence
 - ▶ Training

- FINANCE

Mrs. Szubert stated the Finance Department is responsible for the administration of all financial activities of the Town. The department collects, projects, acquires and controls the Town's financial resources in the way that promotes stability and integrity. The key functions of the Finance Department include Accounts Payable, Accounts Receivable, Payroll Accounting, Waste Billing & Collection, Business Licensing, Municipal Court, Debt Administration, Cash and Investments Management, and Purchasing.

Mrs. Szubert reviewed her department's goal and proprieties:

- ▶ *Provide a reliable Five-Year Financial forecast that ensures stability of operations and capital expenditures (Capital Improvements Plan).*
- ▶ *Maximize compliance with fees and revenues (accommodation, local option and hospitality taxes).*
- ▶ *Process business license applications with ongoing emphasis to recoup misreported/under-reported revenues (formalized audit program).*
- ▶ *Develop a short-term rentals Master List.*
- ▶ *Continue delivering high-quality services to our residents and customers enhancing customer service and satisfaction with the Town provided services:*
- ▶ *Evaluate if all available online payments instruments are offered and utilized*
- ▶ *Continue efforts to create more efficient and customer focused business licensing process:*
- ▶ *Search for more user friendly software to process business licenses*

Mrs. Szubert reviewed her department's challenges:

- ▶ *Our external and internal customers expect quality services to meet their specific needs in a timely matter. A skilled and engaged workforce is the foundation supporting Finance's ability to provide high-quality services. However, additional functions and continuous improvements require more involvement and time of our team.*
- ▶ *Technology used for business license processing.*

- COMMUNICATION & COMMUNITY OUTREACH

Mrs. Braswell Edgerton reviewed her department's overall responsibilities which include:

- ▶ *Facilitate all Town communication to Kiawah and greater Charleston area across multiple outlets and to multiple audiences. (residents, tourists, business, media, and outside agencies)*
- ▶ *Ensure Town communications are clear, effective, and timely.*
- ▶ *Build public awareness and improve & maintain a positive image for the Town.*
- ▶ *Support all departments in organizing and dissemination of their public messages.*
- ▶ *Planning annual engaging communication content for newsletter and e-blasts.*
- ▶ *Look for new ways to reach our target audiences.*
- ▶ *Media monitoring and serve as primary contact to the media and other agencies.*
- ▶ *Serve as the public information officer during emergencies.*
- ▶ *Audit and evaluate Town communications.*
- ▶ *Support the Arts and Cultural Events Council and programming.*

She reviewed her department's initiatives:

- ▶ *Market Wildlife Department's Research*
 - ▶ *Public education projects on Kiawah's most popular residents - our wildlife!*
 - ▶ *Focusing on how researching species gives us insight into what is happening in our environment.*
 - ▶ *Promote Kiawah's unique environment locally and globally.*
- ▶ *Projects*
 - ▶ *Redesign the Wildlife website - Completed 2017*
 - ▶ *"Wild About" Video Series - Monthly series highlighting research. Each segment will focus on a particular element of nature, wildlife or the environment from life here on Kiawah. 2-4 minute length. (Begins in February)*

- ▶ *Wildlife Promotion Book (Late 2018) - modified version of the nature guide - most popular wildlife species, what their role is in the ecosystem and what they are indicators of in our environment.*
- ▶ *Restructure Communications Workgroup*
- ▶ *Short-Term Rental Ordinance Support Campaign - Develop promotional materials to help rental businesses to educate renters on ordinances*
- ▶ *Public Education Campaign - Implement marketing campaign for important ordinances that are often under-communicated to tourists and new shovel ordinance.*
- ▶ *Community Outreach*
- ▶ *Build more relationships with local media.*
- ▶ *Research new methods of reaching the public.*
 - ▶ *Town App*
- ▶ *Continue to build social media following.*

Mrs. Braswell Edgerton reviewed some of her department's challenges:

- ▶ *Traditional means of public signage are not an option*
- ▶ *Reaching more residents and tourists.*
- ▶ *Improving accurate media coverage.*
- ▶ *Competing for attention from other community entities all with their own messages and media.*
- ▶ *Getting redirected with unplanned projects.*

Adjournment:

The meeting was adjourned at 4:45 pm.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date

TOWN OF KIAWAH ISLAND
2018 Council Strategic Planning Retreat
Kiawah Town Hall Council Chambers
February 2, 2018

AGENDA

Call to Order: *Mayor Weaver called the meeting to order at 8:00 am*

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

Recap:

Ms. Tillerson gave a brief review of the Departmental presentation of the previous day.

Finance Overview and Discussion:

Budget Overview

- FY 2017 AND KICKOFF DISCUSSION FOR FY 2018

Mr. Wilson discussed the revenues of the Town, stating that the Town is good shape at the moment, but the outlook could change with a significant drop in revenues or the expenses associated with major storm. He also discussed things that are in place or could be implemented in the event of a financial crisis.

Mr. Wilson engaged in an in-depth discussion of the two main revenue streams, unrestricted funds, which include business licenses, permitting, local option, and sales taxes and restricted funds, which include, accommodation taxes and hospitality taxes. Discussion included the allocation of accommodation taxes received, effects that may have an impact on future revenues and a presentation of an overview of Town expenses illustrating what funds are used noting the division of the expenses as main functions, or "have to do", and other functions, or "want to do".

	Annualized FY2018	% of Total	Annualized FY2018	% of Total	
<u>Main Functions</u>	<u>Unrestricted Funds</u>	<u>Expenses</u>	<u>Restricted Funds</u>	<u>Expenses</u>	<u>Total</u>
Administration	\$1,051,392	25%	\$ -	0%	\$1,051,392
Public Works	217,200	5%	309,279	9%	526,479
Town Buildings	892,284	17%	-	0%	892,284
Solid Waste	880,000	21%	25,000	1%	905,000
Planning/Zoning	46,143	1%	-	0%	46,143
Building Services/Licensing	797,895	19%	-	0%	797,895
Law Enforcement	118,919	3%	532,208	10%	651,127
Beach Management	-	0%	456,402	13%	456,402
Total Main Functions	\$3,803,833	91%	1,322,889	30%	5,126,722
<u>Other Functions</u>	<u>Unrestricted Funds</u>		<u>Restricted Funds</u>		<u>Total</u>
Tourism	-	0%	1,414,600	41%	1,414,600
Arts Council	118,000	3%	241,381	7%	359,381
Charities	150,000	4%	-	0%	150,000
Wildlife Research	103,514	2%	435,910	13%	539,424
Total Other Functions	371,514	3%	2,091,871	51%	2,463,385
Grand Total	\$4,175,347	100%	\$3,414,760	100%	\$7,590,107

Note: Dollars do not include Irma clean up cost of approximately \$95K and beach scrapping of approximately \$119K

Mrs. Szubert stated one of the goals of the finance department was to develop the five year projections and the update them as part of the budget process. As a background to how she built the projections, she reviewed past trends over the last ten years that, while inconsistent, showed increases in accommodations taxes, building permits, and business licensing. She also noted that other factors, which have a great impact, are construction and tourism.

Discussion included lost accommodation tax income to private room rentals which are not submitting the proper taxes and purchasing a business license. She indicated it was important to make the extra effort to audit these rentals to insure compliance.

Mrs. Szubert presented the “work in progress” five year projections and reviewed the revenues which showed an overall growth trend beyond the short term increases from Resort construction projects and the period of the upcoming PGA Tournament.

Revenues:	Annualized FY2018	Projected FY2019	Projected FY2020	Projected FY2021	Projected FY2022	Projected FY2023
Building Permits	\$ 1,058,900	\$ 1,090,667	\$ 1,123,387	\$ 1,157,089	\$ 1,191,801	\$ 1,227,555
Building Permits/Special Projects	285,000	871,000	-	-	-	-
Business Licenses	2,200,000	2,266,000	2,333,980	2,266,000	2,333,980	2,403,999
Franchise Fees	800,000	816,000	832,320	848,966	865,946	883,265
Local Option Tax	534,100	555,464	577,683	600,790	624,821	649,814
State ATAX	1,772,000	1,825,160	1,879,915	1,936,312	2,052,491	2,114,066
Local ATAX	988,000	1,017,640	1,048,169	1,079,614	1,144,391	1,178,723
County ATAX	422,000	425,000	433,500	442,170	451,013	460,034
Hospitality Tax	566,000	582,980	600,469	618,483	655,592	675,260
Environmental Services	375,000	378,750	382,538	386,363	390,227	394,129
Interest	180,000	181,800	183,618	185,454	187,309	189,182
Other	125,000	126,250	127,513	128,788	130,076	131,376
Total Revenue	\$ 9,306,000	\$ 10,136,711	\$ 9,523,091	\$ 9,650,030	\$ 10,027,647	\$ 10,307,403

o Long term/Capital Improvement Projects on the horizon

Mrs. Szubert presented and reviewed a listing of future major improvement projects which include: Building/construction costs, beach renourishment, Beachwalker drainage repair, Parkway geotechnical evaluation and resurfacing, Parkway bridge repair, Beachwalker Drive turn lane improvements.

o Restricted Funds and Restricted Funds Balances

Mrs. Szubert stated the Town’s Special Revenue Funds are comprised of the following restricted funds: State Accommodations Tax, Local Accommodations Tax, County Accommodations Tax, Hospitality Tax, and Beverage Tax. She noted that over the past five years the Town’s Special Funds balances have shown an increasing trend with the exception of the Local Accommodations Tax which was used to fund the construction of the CBV portion of the new Municipal Center.

She stated that the uses of special funds revenues are mandated by SC State Code to:

- 1) *Tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;*
- 2) *tourism-related cultural, recreational, or historic facilities;*
- 3) *beach access, renourishment, or other tourism-related lands and water access;*
- 4) *highways, roads, streets, and bridges providing access to tourist destinations;*
- 5) *advertisements and promotions related to tourism development; or*
- 6) *Water and sewer infrastructure to serve tourism-related demand.*

- (1) *In a county in which at least nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, the revenues of the local accommodations tax authorized in this article may also be used for the operation and maintenance of those items provided in (A)(1) through (6) including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.*

Mrs. Szubert gave a detailed description of each of the Special Funds and how the Town uses the funds:

State Accommodation Tax- An accommodation tax is a tax on gross proceeds derived from the rental or charges for accommodations furnished to transients. South Carolina state law allows the State to impose 2% accommodation tax. The state distributes about 85% of the amount it collects to the municipalities. Revenues from this tax must be spent on advertising and promotion of tourism and tourism related activities except for the first \$25K plus 5% of the remaining total revenues which is allocated to GF and is not restricted. This revenue has also a time restriction and needs to be spent within 2 years of receipt.

County Accommodation Tax Revenue- Charleston County levies 2% accommodation tax, of which portion is later disbursed to the municipalities where they were earned. The Town has been receiving 20% of the fees collected, contingent on the use of the money on capital projects or services that will promote tourism in Charleston County. The Town uses those funds mainly for beach monitoring and repairs, beach patrol and environmental projects.

Local Accommodation Tax- As allowed by South Carolina law, the Town levies 1% municipal local accommodation tax. These fees are remitted to the Town by the City of Charleston monthly. Revenues from this tax are used mainly on operations of Environmental department, cultural events, partial deputies cost, beach upkeep, and reserves for future beach projects.

Hospitality Tax- Hospitality tax is paid by the consumer or patrons of the restaurants, grocery stores, convenience stores and any other establishments that sell prepared food and beverages; 1% tax is remitted to the Town by the required businesses on monthly basis. The Town uses those funds for island beautification and reserves for future capital projects.

Beverage Tax- State law allows the state to issue alcoholic beverage permits to authorized organizations. Permits are valid for 52 week period and have \$3K filing fee. These funds are further distributed to the municipalities in which the retailer who paid the fee is located. The Town uses those funds for reserves for future capital projects.

- **OVERVIEW OF THE TOWN OF KIAWAH GARBAGE COLLECTION FEES**

Mrs. Szubert stated that residential garbage collection is the most common sanitation service provided by municipalities with a study showing that 98% of participating cities and towns in the state provide this service to their citizens. Of that percentage, 80% have a department for city crews and 20% hire city-paid contractors. Currently the Town has a contract with Carolina Waste Services to provide solid waste collection, recycling and yard debris pickup which expires June 2018. The total cost for this service for the Town FY2017 was \$908,000.00, in addition, the Town paid annual fee of \$33,000.00 to the Charleston County Revenue Department for disposal of the garbage in the county landfill.

Mrs. Szubert stated that sanitation fees are one of the most common user fees charged to residents by municipalities; according to the same research 71% of the responding cities charge

a fee for residential garbage collection, with 29% not charging. Historically, the Town has provided a subsidy of the solid waste program to each property owner that is equal to the cost of the curbside service. The same subsidy is applied to each property owner and their corresponding service costs are reduced by this amount with property owners paying any remaining balance annually. In FY 2017, the amount of subsidy is \$176.00 per household, or an amount of approximately \$447,000.00 annually in addition to the solid waste collection from the Multifamily Units/Regimes in the amount of approximately \$49,000.00 annually and public solid waste stations in the amount of \$53,000.00.

Compensation Calendar & Action for FY18/19

Ms. Tillerson presented the budget calendar for Fiscal year 2018-2019.

Mayor Weaver stated that to look at all compensation items at one time is difficult because different pieces of compensation are on different schedules. Salary changes and raises are approved on a fiscal year basis with the budget while some of the state run benefit package items are done on a calendar year. He gave an outline of the Town's compensation items with a brief description on if there are potential changes to be made.

Cash Compensation –

- Base salaries – budget process determines an estimate of the aggregate of the likely salary increases and merit raises. The actual amount will be approved by Council.
- Possible development of a bonus program may to award employees for accomplishments.
- CCSO Compensation – no change in anticipated in per hour rate –

Benefit and Statutory Plans –

- State retirement plan – no discretionary change
- Deferred Compensation match – no anticipated change
- Tuition reimbursement - no anticipated change
- Statutory Plans – federal and state - no discretionary change
- Health care –rate increases adjustments are made at the end of the calendar year. Discussion to take place during budget process on an alternative approach to premium supplement.

Policies -

- Non-cash compensation - Time-off, Holidays, Leaves of Absence – no anticipated change

Staffing -

- Changes will be discussed during budget process

Other Funding Obligations for Discussion:

- OTHER FUNDING OBLIGATIONS
 - Charitable Contributions

Ms. Tillerson stated that the current amount for Charitable Contributions is \$150,000.00. She gave a brief background on the process that used in the development of the funding amount.

Mrs. Szubert indicated the calculation formula in the Charitable Contributions Policy states an amount allocated is up to 30% from the change in the fund balance of the General Fund as of June 30 each year, or an amount not to exceed \$200,000.00. She noted that the amount will be finalized during the budget process.

Discussion included if Charitable funding amount should be determined by the formula, to use the fixed amount of \$150,000.00, or the limit amount.

- Arts and Cultural Programs

Ms. Tillerson stated the Town contributes at total of \$350,000.00 to the Arts and Cultural programming. Mrs. Mezzanotte clarified that \$300,000.00 is for programming with the balance going to overhead. The Arts Council, through its Charter, manages the \$120,000.00 coming from the General Fund for resident related events, as well as, \$180,000.00 from Local, County and Hospitality Tax Funds for tourist and visitor related events.

Mayor Weaver discussed that the budgeting process of the Arts programs does not coincide with the Town budgeting process thereby creating an issue with preapproving an amount before the budget is approved. He also pointed out the other issue is the sustainability of the Committee that relies very heavily on its members for its programming. Discussion included the possible creation of a non-profit, 501(c)(3), that would include the Arts programming and allow for grants and contributions to help fund events as a long-term consideration.

- Charleston County Sheriff Office

Mr. Widuch stated that an Ad-Hoc Committee was reviewing at how the Town was providing for its law enforcement by employing off-duty deputies for the Charleston County Sheriff's Office (CCSO). To address concerns with the Town liability in the event of an incident and the CCSO having difficulty in fulfilling the contractual obligations, several different options are being explored. A recommendation will be made by the Committee which may include changes to staffing levels.

- Kiawah Island Conservancy

Members engaged in an in-depth discussion of the funding of Conservancy programs which are made through Environmental Committee recommendation or as an annual line item amount with a report to the Town on how the monies was spent. In consideration of the funds the Town spends on Environmental projects, members agreed on an Environmental Committee recommendation funding cap of \$58,000.00 with additional funding to be requested directly from Council.

- Environmental Projects (Internal and External)

Ms. Tillerson indicated that the Wildlife presentation given yesterday identified several ongoing Town projects. She asked, in anticipation of the start of the budget process, Council review the projects to prepare for the funding requests associated with each of the projects and identify projects that Council would like to see in the future. Members discussed the concern that the Town is not taking advantage of research being done by DNR, staff is not aggressively searching other funding options for long-term projects and making sure that funding is spent on high value programming.

Adjournment:

The meeting was adjourned at 11:40 am.

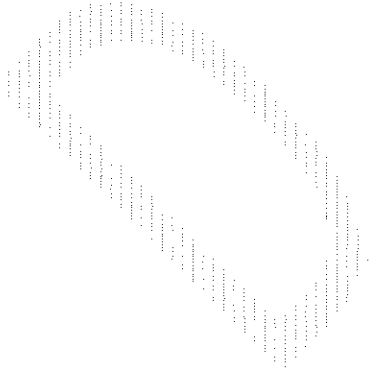
Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date



TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

February 6, 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
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 January 9, 2018

Mr. Widuch made a motion to approve the minutes of the January 9, 2018 Town Council Meeting. The motion was seconded by Mrs. Mezzanotte and the minutes were unanimously approved.

IV. Mayor's Update:

Mayor Weaver stated that the beach scraping project has been completed and thanked Mr. Jordan and staff for the work done to obtain permits and getting the project done despite the weather obstacles. He reported that dunes were renourished along 15,700 feet of beach with 62,800 cubic yards of sand being moved. The project was completed at a cost of approximately \$198,000.00, \$75,000 under the approved budget. He also thanked the Resort and Kiawah Partners for their financial contributions to the project.

V. Citizens' Comments (Agenda Items Only):

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick questioned why the Executive Session item is not being discussed in public noting that because an attorney is involved does not mean the discussion has to be in Executive Session.

Mrs. Kulick asked who from the Town would be attending the meeting and seminars at the State House next Tuesday regarding off shore drilling and seismic testing.

Virginia Abbott – 4304 Sea Forest Drive

"I am speaking today to urge Town Council to reaffirm your opposition to seismic testing and oil and gas exploration and production offshore of Kiawah Island and the entire South Carolina Coast. Your previous resolution was made on June 6, 2017. The statement is incomplete. It is also unclear to which governing body this was sent.

The resolution was made before the January 4, 2018, proposal by Secretary of the Interior, Ryan Zinke, to proceed to permit drilling and seismic air gun surveying in most of the U.S. continental shelf waters, including the Atlantic outer continental shelf.

An article in the January 26th "Post and Courier" states that the Charleston area islands are uniting in a suit to block the search for offshore oil. The list of islands participating includes Isle of Palms, Seabrook, Folly Beach and Sullivan's Island. Kiawah Island is conspicuously absent from the list. The South Carolina Environmental Law Project (SCELP) plans to file suit on behalf of the beach communities at no cost to them. I am asking that you reaffirm your objection to seismic testing and drilling for oil and gas off the South Carolina coast by sending a new resolution to the Bureau of Ocean Energy Management before the close of public comment on March 9, 2018. In addition, I am asking that you join with our neighboring island communities in the federal lawsuit.

The Kiawah Town Council resolution of last June is no longer strong enough to express the concern for the protection of the Kiawah beach. The beach is the basis of our tourism draw and our property values. Allowing just the possibility that oil and gas drilling might be allowed off the South Carolina Coast, with the attendant threat of a catastrophic oil spill, will lower our property values.

Now is the time for the Town of Kiawah Island to step up and let its voice be heard to protect our beach at all cost."

VI. Consent Agenda:

- A. Ordinance 2018-01** - to amend the Town of Kiawah Island Code of Ordinances by creating Chapter 8, Fairness in Lodging Act Compliance in Article 4, Finance and Taxation, to begin partnering with the South Carolina Department of Revenue in order to increase compliance on tax payments from rental properties - **Second Reading**

Mr. Widuch made a motion to approve the first reading of Ordinance 2018-01 to amend the Town of Kiawah Island Code of Ordinances by creating Chapter 8, Fairness in Lodging Act Compliance in Article 4, Finance and Taxation. The motion was seconded by Mr. Wilson and was unanimously passed.

VII. Old Business:

None

VIII. New Business:

- A. 2018 Committee Appointments**
- Board of Zoning Appeals

Mr. Koach recommended the appointment of Jay Lewis to the Board of Zoning Appeals for a three year term.

- Environmental Committee**

Mrs. Mezzanotte indicated that four members have left the Committee and recommended the appointment of new members Michael Guzniczac, Pam Wilson, Scott Nelson, Beverly Gholson and the reappointment of the other current members.

- Public Works Committee**

Mr. Wilson indicated the current members of the Public Works Committee are requesting reappointment to the Committee.

- State Accommodations Tax (SATAX) Committee**

Mr. Koach indicated the current members of the State Accommodations Tax Committee are requesting reappointment to the Committee.

Mr. Wilson made a motion to approve the appointment or reappointments of members of the Board of Zoning Appeals, Environmental Committee, Public Works Committee and the State Accommodations Tax Committee. The motion was seconded by Mr. Widuch and was unanimously passed.

B. Approval of the Kucera Proposal for 2018 Aerial Orthophotography Services

Mayor Weaver stated that the Kucera Proposal was discussed and recommended to Town Council at the last Ways and Means Committee Meeting.

Mr. Widuch made a motion to recommend to Town Council to approve the Kucera Proposal for 2018 Aerial Orthophotography Services in the amount of \$29,900.00. The motion was seconded by Mrs. Mezzanotte and the motion was unanimously passed.

IX. Other Business:

A. FEMA proposed Flood Maps discussion

Ms. Tillerson stated that currently changes to the FEMA (Federal Emergency Management Agency) flood plan maps are being proposed. Building Services staff is evaluating the changes and will make a determination on if there is any negative impact of the proposed changes, and if the Town will act on the proposed changes or to accept the proposed changes leaving open the option to make changes later by ordinance, if necessary. She stated the flood plan maps being proposed show an elevation decrease across the Island from one to five feet depending on the area, and may substantially decrease the cost of residents' flood insurance rates.

Ms. Tillerson stated that information on how residents and property owners can view the current and proposed maps will be made available on the Town's website. The proposed map changes are in the "comment period" that is open until April 18th during which residents and property owners can appeal the process or submit concerns.

B. Budget Report for Period Ending 12/30/2017

Mrs. Szubert presented the Town's Balance Sheet as of December 31, 2017 and Budget to Actual Report for the first six months. The Budget to Actual Report is compiled on the cash basis and all the funds are consolidated.

As of December 31, 2017, the Town's governmental funds combined have an ending fund balance of approximately \$15.9M, a decrease of approximately \$800K from June 30, 2017. This result is anticipated at this point in the fiscal year as the Town receives the majority of the General Fund largest revenue, business licenses fees in the third quarter and the cost related to completion of the of the new Municipal building. Of \$15.9M approximately 35%, or \$5.6M is available for spending at the Town's discretion (unassigned fund balance).

Overall, for the first six months the Town's revenues appear reasonable for this time of the year and in line with the expectations. Consolidated revenues of \$3.4M were approximately \$80K or 2% lower than budgeted. This variance is attributable to the timing of the monthly collection of the Local Option, Accommodations and Hospitality Taxes.

With 50% of the year lapsed at the end of December, expenditures to date are approximately \$3.6M or 52% of total budgeted expenditures. The small variances are mostly related to timing with the few exceptions that will carry throughout the year. Insurance cost is 17% higher than budgeted due to increase in bridge coverage premium. Maintenance cost will exceed budgeted amount and for the first six months is 15% over the budget. In the second quarter, the Town also incurred costs related

to the cleanup and partial beach renourishment after Hurricane Irma that totaled as of December 31, 2017 \$85K and \$112K respectively.

Capital expenditures are in line with the budget. The negative variance in Municipal Center construction cost is related to timing. This project is completed and closed. The total cost of the project is approximately \$8.8M, which is \$416K, or 5% less than original budget. Mayor Weaver commended all those involved in the project for coming in under budget.

X. Town Administrator's Report:

Mr. Lameo reported on a project in the area outside the roundabout on Betsy Kerrison which falls under the Town's purview. He stated that he contacted the State due to concerns with ponding across the roadway along with a dip in the outbound lane. The State has agreed to do sampling to make a determination on the structure safety of the roadway, scraping the easements, replacing the damaged guardrail on the outbound lane, and repaving the roadway. The sweetgrass that has been removed is being transplanted to areas along the Parkway and will be replaced with Breeze grass which stays smaller and is an evergreen.

Mr. Lameo also reported that the areas along the Parkway that were damaged in the storm have been repaired and the landscaping replaced.

Ms. Tillerson reported that Mr. Lameo and Mrs. Szubert is meeting with FEMA on submitting for reimbursement on the approximately \$85,000.00 spent on storm clean up.

XI. Council Member:

- a. Committee Updates
- b. General Comments

Mrs. Mezzanotte stated that she attended the meeting of the Charleston Visitor's Bureau (CVB) and reported on their work with the County to cover labor shortages in the Department of Housing. She also confirmed with Council on scheduling a presentation for the CVB on how the Town is funding is spent.

Mrs. Mezzanotte reported on the seven events presented in February by the Arts Council, two of which are sold out.

Mr. Wilson stated he attended the Charleston Area Transportation Study Committee (CHATS) meeting. He indicated that most of the project did directly affect Johns Island with the exception of a newly titled project of Maybank improvement phase 1, 2, and 3. The project was to include improvements on Maybank Highway from the Stono River to Bohicket Road. In reality the projects were resurfacing the road and adding a bike lane that already exists, and the addition of turn lanes. The third phase is the addition of a pitchfork configuring of three lanes coming of the bridge coming on the Island. An alternative to the pitchfork configuring was presented by Mr. Roberts and dismissed by the County. Even though concerns on the lack of any projects on Johns Island roads were expressed to the Chairman of the Committee, no additional projects are expected.

Mr. Wilson reported the CVB has been instrumental in filming the "Cars on Kiawah" show to be nationally televised in 2019 on the Velocity Channel. The Golf Resort has offered to provide the accommodations for the film crew.

XII. Citizens' Comments:

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick reminded there is a tax credit allowance of \$1,250.00 for those qualifying property owners who spend more than 5% of their income on the cost of insurance coverage.

Mrs. Kulick commented on the time spent by Ms. Tillerson and the facilitator on the useful information presented at the Council Retreat. She questioned if Council would be scheduling or consider approving any of the policies and future planning presented by staff at the meeting and questioned the cost for the facilitator to prepare the information and attend the first day of the Retreat. Mrs. Kulick commented the Retreat was not live streamed or recorded and asked if that should be done in the future, and also suggested providing an opportunity for resident input and reaction during the Retreat.

Mrs. Kulick asked for clarification on a comment made during the Retreat in which there was discussion of all the rose bushes planted instead of native plants, asking how did this happen, who approved it and how come nobody knew.

Mayor Weaver responded by stating that he did not envision there would be a follow-up meeting to talk specifically about strategy or the recommendations discussed at the Retreat, but pointed out that during the budget process is when Council debates and makes spending decisions on special projects and priorities along with the allocation of resources.

Mayor Weaver indicated that all monthly expenses paid are listed on the Town's website.

Diane Lehder – 306 Palm Warbler Road

Mrs. Lehder reiterated the comments made earlier by Ms. Abbott and as she did at last month's meeting urged Council to renew the Town's opposition to the project and to sign on with SCLP's efforts to pursue this in court.

Mrs. Lehder stated that at the January meeting Mr. Roger Warren suggested the Town poll its resident on this issue. She commented that it was a simple request which she could support and indicated it was her opinion that taking no action was an inadequate action at this point in time.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill indicated he was impressed by the ability to view the Town Council meetings online and questioned when the Retreat would be put on line.

Ms. Reynolds responded that she was not able to live stream the Retreat in the meeting room area of Council Chambers so it will not be available online.

Mr. McGill commented on the shading of the windows stating that you could not see in the windows from outside with the shades down adding an extra layer of protection.

Mr. McGill asked on the status of the Federal case against the former Town Administrator and Treasurer and if any member of Council had been interviewed by the defense.

Mayor Weaver responded that there had been no additional information to add to what had been previously reported and that no member of Council had been requested to be interviewed.

Mr. McGill asked on the status of the Mercer Group salary study had been reported.

Mayor Weaver indicated the study is complete and a recommendation is scheduled for the April Ways and Means Committee meeting.

Mr. McGill commented on the Executive Session and stated that he did not think all legal options necessary are privileged and the items to be discussed does not seem to be since it is a question on the attorney's opinion.

Mr. Wilson made a motion to move into Executive Session to receive legal opinion from the Town Attorney on a matter related to the anticipated challenge by the South Carolina Environmental Law Project to seismic testing and drilling in the Atlantic Coastal waters. The motion was seconded by Mrs. Mezzanotte and was unanimously passed.

XIII. Executive Session:

- A. To receive legal opinion from the Town Attorney on a matter related to the anticipated challenge by the South Carolina Environmental Law Project to seismic testing and drilling in the Atlantic Coastal waters.

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

Mayor Weaver stated that no votes were taken and no decisions were made that would bind the Town during the Executive Session.

XIV. Adjournment:

Mr. Koach motioned to adjourn the meeting at 3:52 pm. The motion was seconded by Mrs. Mezzanotte and carried unanimously.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date

Town of Kiawah Island

2018 Charitable Contribution Applications

Organization's Name:	2018 Funding Request	2018 W&M Recommendation	2018 Town Council Approved
Backpack Buddies Seabrook Island	\$ 2,500.00	\$ 2,000	
Barrier Island Free Medical Clinic, Inc	\$ 20,000.00	\$ 20,000	
Barrier Island Little League	\$ 4,998.12	\$ 5,000	
Begin with Books	\$ 5,000.00	\$ 5,000	
Catesby Commemorative Trust, Inc.	\$ 10,000.00	\$ 2,000	
Charleston Animal Society	\$ 23,000.00	\$ -	
Charleston Area Therapeutic Riding	\$ 7,076.00	\$ 7,076	
Charleston RISE	\$ 10,000.00	\$ 2,000	
Charleston Symphony Orchestra	\$ 15,000.00	\$ 4,500	
Engaging Creative Minds	\$ 15,000.00	\$ -	
Fields to Families	\$ 5,730.00	\$ -	
Gibbes Museum of Art	\$ 25,000.00	\$ 5,085	
Hebron Zion Presbyterian Church	\$ 15,000.00	\$ -	
Jefferson Award Foundation	\$ 3,750.00	\$ -	
Kiawah Womens Foundation	\$ 7,000.00	\$ 7,000	
Lowcountry Food Bank	\$ 9,450.00	\$ 9,450	
MUSC - Divison of Education & Student Life	\$ 25,000.00	\$ -	
Operation Sight	\$ 4,000.00	\$ 4,000	
Our Lady of Mercy Community Outreach Services, Inc.	\$ 20,000.00	\$ 20,000	
Reading Partners	\$ 5,000.00	\$ 5,000	
Respite Care Charleston	\$ 4,000.00	\$ 4,000	
Sea Island Cares	\$ 17,000.00	\$ -	
Sea Island Habitat for Humanity	\$ 10,000.00	\$ 10,000	
Sea Islands Hunger Awareness Foundation	\$ 5,000.00	\$ 3,000	
South Carolina Aquarium	\$ 10,000.00	\$ -	
Sweetgrass Garden Co-op	\$ 10,000.00	\$ 10,000	
Teachers Supply Closet	\$ 11,000.00	\$ 10,000	
The Destiny Worship Center	\$ 27,500.00	\$ -	
Water Wellness Mission	\$ 14,900.00	\$ 14,600	
Total Requests	\$ 341,904.12	\$ 149,711	
Total Budgeted Funds to be awarded	\$ 150,000.00	\$ 150,000	
Amount in excess of Budget	\$ 191,904.12	\$ (289)	



Request for Town Council Action

TO: Ways and Means Committee

FROM: Jim Jordan

SUBJECT: Beach Monitoring Contract - CSE

DATE: February 23, 2018

BACKGROUND:

The Town of Kiawah Island (TOKI) has contracted with Coastal Science and Engineering (CSE) to perform beach monitoring and beach project coordination since 2005.

ANALYSIS:

The beach is one of the island's greatest assets and it is important to continue to monitor and document changes over time. CSE provides high-quality work and has a proven track record with the Town.

ACTION REQUESTED:

Authorize a 3-year beach monitoring contract with CSE for 2018-2021.

BUDGET & FINANCIAL DATA: The annual cost for beach monitoring is \$32,500, with a total 3-year cost of \$97,500. This 3-year contract would begin in FY 2018-19.



THE PROPOSAL

[P2481]

EXHIBIT A

2018–2020

Beach Condition and Post-Project Monitoring at Kiawah Island (SC)

INTRODUCTION

This proposal is submitted at the request of the Town of Kiawah Island (SC) for annual beach monitoring and post-project environmental monitoring services. The proposed services follow completion of restoration projects at the east end of the island in 2006 and 2015, associated post-project monitoring from 2006 to 2017.

CSE was retained by the Town to complete annual post-nourishment monitoring of the 2006 and 2015 project areas as well as the downcoast areas of Kiawah Island. Results of the monitoring have been submitted annually to the Town and provide updated beach condition assessments and analyses of shoreline change, including focused discussion of changes occurring at the dynamic east end. Annual monitoring of developed beaches is considered an essential aspect of coastal community management, and aids in areas of damage prevention, recovery, and planning.

The present proposal covers the following engineering services required to provide three years of updated condition assessments for Kiawah Island's beach similar to recent monitoring efforts. This proposal does not include services that would be necessary should another channel realignment project be necessary. Proposed work includes:

- Annual surveys of the oceanfront including ~60 profile lines
- Annual reports documenting beach volume changes and project performance
- Annual oblique aerial image surveys

BASIC SERVICES

References to the “Engineer” and/or “Consultant” in the scope of services are to CSE as the project manager responsible to the Town for the execution of the services proposed. Execution of the services by CSE includes completion of work as required to execute all aspects of the scope



of services. References to the “Town” refer to the Town of Kiawah Island, a South Carolina municipality.

SCOPE OF SERVICES

The scope of services proposed herein represents the basic services and is based on CSE’s work to date for the Town, experience on similar projects and project components, the scope of the project as defined by this proposal, and the regulatory requirements of agencies of the state of South Carolina and the federal government with jurisdiction over construction at the site. The following scope of services is proposed.

Task 1.0 Planning, Communication, and Liaison

The planning task of the project will include coordination and meetings with Town representatives to:

- Review the final plan.
- Develop schedules.
- Participate in public forums.
- Provide liaison with government agencies following annual surveys.
- Assist the Town with communication, and liaison.
- Coordinate with permitting agencies for compliance.

Following authorization to proceed with the proposed scope of services:

- 1.1 CSE will discuss with Town representative(s) to clearly define the goals and objectives for the work.
- 1.2 CSE will work with the Town to schedule monitoring surveys at a time which will not impact public events, etc. CSE will coordinate with public safety officials regarding beach access and near-shore hydrographic work.



- 1.2 CSE will assist the Town in preparing annual summaries including display graphics for distribution to officials and the public by way of various mediums, including web sites, newspapers, or Town newsletters.

Task 2.0 Annual Beach Condition Survey

This task of the project will include condition surveys of the beach, and inshore zone [to approximately –12 foot (ft) depths]. These surveys will supplement previous field data by CSE, and will be used for volume change analysis using similar reaches and boundaries as recent reports. The surveys can also satisfy the annual monitoring requirement of project permits should another project be completed within the timeframe of the agreement, as the required monitoring area was established to match stations regularly monitored under the annual program (from the Beach Club to the eastern lagoon).

CSE will conduct annual condition surveys of the beach between Captain Sams Inlet and Penny's Creek (Stono Inlet). The Engineer will reoccupy profile lines established under the prior monitoring agreement (approximately 60 lines between OCRM station 2615 and OCRM station 2730) and will obtain cross-sections from the foredune to approximately –12-ft depth contour, or at least 1,500 ft from the baseline. This survey will be compared with prior surveys and will document volume changes in the project area and downcoast areas.

Surveys will be conducted around October each year to coincide with previous shoreline assessments and to allow for same-season comparisons with surveys conducted under the previous agreement. The survey will be completed using an RTK-GPS (Trimble™ Model R8-GNSS) for data collection. The offshore work will be performed using the Trimble™ linked to an Odom™ CV100 precision survey fathometer for direct measurements of the bottom without the need for tide corrections. Measurements over subaerial portions of Kiawah Island will extend to low-tide wading depth. Offshore profiles will be collected at 1–10 Hz, but will be filtered in the office to eliminate spikes and provide a 5–7 point floating average. Smoothed offshore data will be edited to a manageable size and merged with subaerial data.

Field data will be entered into CSE's beach profile analysis system (BPAS) and combined with historic profile data. Each profile will be checked for proper juxtaposition with previous surveys.

Changes between the present survey and selected earlier surveys will be computed (similar to previous profile change analyses for the Town by CSE). Overall volume changes by reach will be computed by extrapolating unit-volume changes over representative shore lengths. CSE will evaluate the net direction and rate of sand transport to downcoast and upcoast reaches and will identify developing erosion trends where applicable. Changes occurring within the project area will be identified and CSE will discuss the project performance and condition of the closure dike and inlet.

The results of the survey will be presented in an annual report with graphics that illustrate the physical changes and place them in context. Annual reports will be submitted to regulatory and resource agencies to comply with project permits.

3.0 Aerial Photography

Oblique aerial imagery will be collected of the beach and shoals at low tide annually. Imagery will be used to offer visual depictions of the beach condition, dune condition, and shoal locations. Imagery will be placed side by side with historical images to offer easy-to-see comparisons of the present beach condition with historical conditions.

4.0 Annual Report

CSE will assemble results of each annual monitoring effort into a comprehensive technical report, similar to monitoring reports provided to the Town under the previous monitoring contract. Reports will document beach volume changes and dune condition, and will identify potential concerns. Changes occurring in the project area will be described, and erosional hot spots will be identified. At the discretion of the Town, CSE will present findings of the annual monitoring to Town officials, the community, and/or resource agency officials at a schedule determined by the Town (one presentation in Kiawah/Charleston is assumed each year). [Note: CSE will also meet with owner's representatives at other times during each year around the time of field deployments and/or other times as opportunities occur.]



ADDITIONAL SERVICES

The work described in the scope of services (Task 1.0 through Task 4.0) does not include work in the following categories. Work in these categories or other services requested by the Town will be considered Additional Services.

If the Town wishes CSE to perform any of the following Additional Services, the Town shall so instruct CSE in writing and the Engineer will perform or obtain from others such services and will be paid therefore as provided in the Agreement for Services between the Town and the Engineer for Professional Services.

- Services resulting from significant changes in the general scope, extent or character of the project, or major changes in the documentation previously accepted by the Town where changes are due to causes beyond CSE's control.
- Providing renderings or models outside of what is presented in Tasks 1–4.
- Detailed consideration of operations, maintenance and overhead expenses; value engineering; and the preparation of rate schedules, earnings and expense statements, cash flow and economic evaluations, feasibility studies, appraisals and valuations.
- Furnishing the services of environmental scientists, biologists, fisheries scientists, chemical analysis laboratories or other specialized scientific testing, evaluations or services not specifically included in the scope of services.
- Geotechnical engineering studies including sediment sampling, borings, and reports not specifically included in the scope of services.
- Preparing to serve or serving as a consultant or witness in any litigation, arbitration, or other legal or administrative proceeding except where required by the scope of services.
- Services of the independent cost estimator shall be Additional Services.

PROJECT SCHEDULE

The schedule is based on a start date of August 2017 for the services proposed herein. The schedule may be modified at direction of the Town. An anticipated schedule is provided below.

Date	Task#	Description
August 2018	1	Initiate work under present proposal/ finalize plan with the Town
Oct 2018	2	Condition Survey
Nov-Dec 2018	3	Oblique Aerial Imagery
Feb 2019	4	2018 report – End of Year 1 Services
Oct 2019	2	Condition survey
Nov-Dec 2019	3	Oblique Aerial Imagery
Feb 2020	4	2019 report – End of Year 2 Services
Oct 2020	2	Condition survey
Nov-Dec 2020	3	Oblique Aerial Imagery
Feb 2021	4	2020 report – End of Year 3 Services



PROPOSED BUDGET

Table A provides an itemized budget estimate for CSE's services for Tasks 1–4 as outlined herein. CSE agrees to perform the services on a time-and-expense basis according to the enclosed fee schedule. CSE prefers to enter into a multi-year agreement; however, should the Town need to commit to services on a year-by-year case, the budget described below will be applied on a per-year basis. Reimbursables will be billed at cost.

CSE reserves the right to request a modification in the budget in the event the budget estimates significantly underestimate the professional time requirements. Should the Town require additional services, CSE will provide a quote prior to performing the work. CSE will endeavor to provide services as efficiently as possible while meeting the standards of professional practice required for the project.

Table A. Proposed fees and reimbursable expenses for services under Tasks 1–4. [Aggregate totals for three years followed by estimated annual costs.]

Task #	Task Description	Task Fee
1	Planning, Communication, Liaison	\$16,560
2	Annual Beach Condition Survey (3)	\$26,880
3	Aerial Photography (3 oblique)	\$4,560
4	Annual Report (3)	\$27,960
1-4	Labor Subtotal - Tasks 1-4	\$75,960
	In Office Expenses - Tasks 1-4	\$3,798
	Direct Expenses - Tasks 1-4	\$17,742
	Total Project Tasks 1-4 (3 years)	\$97,500
	<i>Cost of Annual Services for Each Year</i>	<i>\$32,500</i>



FEE SCHEDULE

[Effective through 31 March 2018]

The fee for CSE services will be based on the charges listed below. All fee quotations are estimates, and actual fees are based on actual time and expenses incurred by CSE unless otherwise stated in the proposal. All rates are listed in U.S. dollars.

Fees by task are based on estimated numbers of person-days to accomplish the scope of services detailed herein. In-office expenses include communication, copying, insurance (etc) and are charged as a percentage of fees rather than separate itemization. Direct expenses include travel (standard U.S. government mileage rate), lodging and per diem, 4-by-4 beach vehicle rental at \$120/day, survey boat rental at \$500/day, RTK-GPS rental at \$400/day, fuel and dockage at cost, sediment testing at \$60/sample, and field supplies at cost.

PERSONNEL	Staff Category	Hourly Rate
	Principal	140.00
	Coastal Engineer/Project Manager	120.00
	Sr Technical Associate/Coastal Scientist	90.00
	Technical Staff (CAD)	80.00
	Tech–Field Assistants	60.00

Type of Contract Desired: Time and expense for the services described herein at a total not to exceed ninety seven thousand five hundred dollars (\$97,500) for Tasks 1–4 over three years.

Billing Schedule: CSE will invoice monthly for services performed the prior month with itemization of direct expenses. Invoices will be pro-rated according to fees and expenses inside and outside the project limits. CSE reserves the right to transfer funds between tasks so as to accomplish the work in an expeditious manner, provided total cost of services does not exceed the indicated budget.



Request for Town Council Action

TO: Mayor and Council Members

FROM: Rusty Lameo, Facility Manager

SUBJECT: Parkway & Shoreline Repairs

DATE: 2/22/2018

BACKGROUND:

During the last required inspections of the Kiawah Parkway Bridge, several areas were found to in need minor repairs. Along with the bridge, there was an area along the outbound lane of the Parkway that sustained severe erosion damage during Hurricane Matthew. Failure to make repairs to this area could result in asphalt failure from a future storm or heavy rains. Previous erosion measures (Rock Gabions) that are located between this area and the bridge are controlling similar erosion. Ways & Means and Council has approved the engineering aspects of this combined project

ANALYSIS:

Two bids for the Bridge Repairs portion of the project were received by McSweeney Engineering and presented to the Public Works Committee for their review. The Ways and Means Committee concurred with the Public Works Committee recommendation to accept the proposal received from Palmetto Gunitite Construction Company.

Palmetto Gunitite	\$53,000.00
Concor	\$60,820.00

ACTION REQUESTED:

To accept the Ways and Means Committee recommendation to award the bridge repair portion of the project to Palmetto Gunitite Construction Company in the amount not to exceed \$58,000.00.

BUDGET & FINANCIAL DATA:

The engineering and administration costs for the two projects is \$23,200.00 and is included the FY 2017-2018 Budget. Any surveying, boring and analysis is estimated at an additional \$5,000.00, if necessary.

Recommended bid received from Palmetto Gunitite Construction Co., Inc. for the required repairs to the Parkway Bridge is \$53,000.00 with an additional Mobilization Fee if required at \$5,000.00. Total payment for bridge repairs not to exceed \$58,000.00.



Reply To:

- ☐ P.O. Box 388 - Ravenel, S.C. 29470-0388 - (843) 889-2227
- ☐ P.O. Box 532 - Sheffield, AL 35660-0532 - (256) 767-0476

PROPOSAL

November 30, 2017

Attn: William D. Barna, P.E.
McSweeney Engineers, LLC
123 Cannon Street
Charleston, SC 29403

Subject: Kiawah Island Parkway Bridge

Gentlemen:

We are pleased to submit our proposal for the rehabilitation of the above referenced project including the furnishing of all material, equipment, labor and supervision, as required to accomplish the work, as follows:

Scope of Work:

We will perform repair items #1 through #5 as detailed on Sheets S-1 & S-2 of the contract drawings dated October 11th, 2017 entitled 'Kiawah Island Parkway Bridge' by McSweeney Engineers, Charleston, South Carolina.

Payment:

Payment shall be in full upon completion in the amount of \$ 53,000.00 Lump Sum

- Additional Mobilization, if required \$ 5,000.00 each

Basis of Proposal:

- 1) We shall provide the following:
 - A) Traffic control to (1) lane by flagmen or automatic traffic signals or both;
 - B) Repairs as specified on the drawings;
 - C) All retail & normal business licenses, as required.

Unless otherwise in part provided for in the above, this proposal is also subject to the conditions noted on the reverse side.

Accepted, 20....

By

PALMETTO GUNITE CONSTRUCTION CO., INC.

By

Approved:



Reply To:

- ☐ P.O. Box 388 - Ravenel, S.C. 29470-0388 - (843) 889-2227
- ☐ P.O. Box 532 - Sheffield, AL 35660-0532 - (256) 767-0476

PROPOSAL

- 2) Permits such as wetland permits or permits required by the US Army Corp of Engineers or South Carolina DHEC or any other permits that may be required for the performance of this work shall be provided to us at no cost by the Owner before any repairs begin.
- 3) All work shall be performed as specified in the contract drawings.
- 4) Any debris generated by our work shall be removed from the site to an approved land fill.
- 5) We exclude all Engineering and Testing from this proposal.
- 6) We include (1) mobilization to the project site to complete the work. Should additional mobilizations be required due to any reason that is through no fault of ours, we shall be paid as "Additional Mobilizations" as detailed in the Payment Section of this proposal.
- 7) Payment shall be made within 10 days of date of invoice. If payment is not received as stipulated and cost is incurred in relation to the collection of said funds, the recipient of this proposal agrees to pay all collection costs, including attorney's fees and interest at current rates. **No retainage will be held.**
- 8) If you have any questions concerning this proposal please contact Tommy Hendricks at 843-889-2227.

Insurance:

It is understood and agreed that we will furnish workman's compensation, public liability, and property damage insurance and pay social security on all employees on our payroll to comply with Federal and State laws.

Respectfully Submitted

Unless otherwise in part provided for in the above, this proposal is also subject to the conditions noted on the reverse side.

Accepted, 20....

.....

By

PALMETTO GUNITE CONSTRUCTION CO., INC.

By

Approved:

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

FRANCHISE AGREEMENT

AGREEMENT, entered into this 6th day of March, 2018, by and between the Town of Kiawah Island (hereinafter the "Town") and NIGHT HERON PARK COMPANY (hereinafter the "Franchisee").

WHEREAS, the Franchisee, which maintains a business address at 1 Sanctuary Drive, Kiawah Island, South Carolina, 29455, desires to enter into a non-exclusive franchise agreement with the Town for the purpose of conducting, within the below defined beach area, certain commercial activities, specifically, the leasing only of those items listed in Exhibit "B" and sale of those items listed in Exhibit "C" to this agreement.

NOW, THEREFORE, the parties hereby mutually agree as follows:

1. **TERM:** This agreement shall be for a term commencing on the 1st day of April, 2015, and expiring on the 31st day of March, 2018. This Franchise Agreement may be terminated without cause by either party in whole or in part at any time with thirty (30) days written notice.
2. **HOURS OF OPERATION:** The Franchisee may conduct commercial activities (as defined herein) within the beach area seven (7) days per week, between the hours of 8:30 AM and 7:00 PM.
3. **VEHICLES:** Permission is hereby granted from the Town to the Franchisee to bring onto the beach those vehicles which are necessary for the operation of the franchise hereby granted. Prior to use, however, these vehicles must be approved by the Town. No vehicles operated by the Franchisee on the beach shall be driven at a speed in excess of ten (10) miles per hour, unless an emergency situation exists.

Franchisee agrees to limit vehicle usage as much as possible so as to minimize traffic on the beach.

4. **EQUIPMENT:** The Franchisee shall use equipment, materials and supplies that are to be new or in good condition and of the most suitable grade for the purpose intended. The Town of Kiawah shall inspect and approve all equipment prior to use.
5. **AREAS OF OPERATION:** By this agreement, the Franchisee is hereby authorized to operate and conduct commercial activities within the Town of Kiawah Island, provided the Franchisee's operations do not extend into the dunes or on any land located within the area twenty (20) feet seaward of the toe of the primary dune, in the following area:
 - A. The area of beach in front of the Sanctuary located between (-80.09598 longitude and 32.59889 latitude) and (-80.08987 longitude and 32.60047 latitude) marked by white and blue poles and labeled as Kiawah Island Golf Resort in red on the attached map (Exhibit A).
 - B. The Franchisee shall maintain a buffer zone of 25 yards on either end of the boundary of the operation area inward on their property; so as not to interfere with another franchisee's operation on the beach. No franchise activity shall be conducted within this buffer zone.
6. **CONDUCT OF OPERATION:**
 - A. The Franchisee and its employees shall at all times evidence a due concern for the preservation and enhancement of the health, safety and general welfare of citizens visiting the beach and also for the preservation and enhancement of the beach ecology by strict adherence to the Municipal

Code of the Town of Kiawah Island, as amended. In that regard, such employees shall assist beach visitors to be aware of and adhere to Town Beach Ordinances.

- B.** Franchisee shall provide all employees with a distinctive uniform (shirts and pants) which identifies the employee with the Franchisee. Employees must also wear name tags at all times. Uniforms must be worn at all times while on duty and must be clean and neat in appearance. The uniform must be approved by the Town.
- C.** Franchisee and employees are prohibited from consuming alcoholic beverages while on duty during the designated hours of operation.
- D.** Franchisee and employees shall thoroughly instruct any potential customers regarding the safe use of any leased water sports equipment.
- E.** Franchisee and its employees shall provide its services in the following manner subject to the specified conditions:

 - (1)** Attendants shall be located at those boardwalk accesses deemed appropriate by the Franchisee within the Franchisee's area of operation as defined in Paragraph 4 of this Agreement.
 - (2)** Storage boxes and chair racks shall be placed at each attendant's station by the Franchisee. At no time shall any equipment, storage boxes and/or chair racks be placed in the dunes for overnight storage. During the hours of operation, the attendant may place the Franchisee's office umbrella in front of these locations. Emergency radios should be set at a volume so as to be functional but not to

distract or interfere with the enjoyment of the beach by guests, visitors, property owners, or other persons.

- (3) Within reasonable proximity to each attendant's station, a maximum of two setups shall be placed on the beach by the Franchisee's employees. A setup is defined as a beach umbrella and two chairs.
- (4) Guests, visitors, property owners, or other persons may reserve setups at each attendant's station for designated time periods within the discretion of the Franchisee. Reservation of setups shall be dutifully recorded by the attendant. Reserved setups shall be in place by 10:00 a.m. on each day in which the Franchisee operates.
- (5) Reserved setups may be placed by the Franchisee's employees within proximity to each attendant's station, or at other various places within the Franchisees' area of operation during the hours of operation. Additional non-reserved setups may be placed only within reasonable proximity to an attendant's station.
- (6) Setups shall be placed in a uniform, straight line fashion. Setups shall be appropriately spaced so as to allow at least five (5) feet between each setup. The first setup of the attendant's line of setups shall be distanced approximately twenty (25) feet from each boardwalk access.
- (7) Franchisee and its employees understand that the beach is public and any guests, visitors, property owners, or other persons have priority on the use of the beach over the Franchisee's interest in placing setups. At no time will the Franchisee and its employees

request any person on the beach to move or relocate for the sake of its operation, unless such persons are using the Franchisee's services or facilities without authorization.

- (8) Other equipment may be leased in accordance with **Exhibit A** and other items may be sold in accordance with **Exhibit B**.

F. Franchisee and its employees shall strive to avoid interfering with the enjoyment of guests, visitors, property owners, or other persons of the public beach areas within the Town of Kiawah Island. At the request of the Town, Franchisee shall alter or amend its operations whenever the Town determines a substantial interference arises between the private enjoyment of persons on the beach and Franchisee's services.

7. **FRANCHISE CONSIDERATION:** During the term of this agreement, including any renewal term, a franchise fee of seven thousand five hundred (\$7,500) Dollars shall be paid by the Franchisee annually to the Town. Said payments shall be made no later than December 31st of each franchise year.
8. **INSURANCE:** Franchisee shall carry and maintain Worker's Compensation insurance in statutory amounts, comprehensive general liability insurance endorsed to include product and completed operations and contractual liability in a minimum amount of \$1,000,000.00 combined single limit and automobile liability insurance with minimum limits of \$500,000.00/\$1,000,000.00 (or \$1,000,000.00 combined single limit). Each policy shall provide that it may not be canceled or changed without at least ten (10) days prior notice to the Town. The Town of Kiawah Island shall be included as a named insured on the comprehensive general liability policy, and the Franchisee shall deliver to the Town a copy of the policy and any endorsements thereto.

9. **INDEMNIFICATION:**

A. Franchisee shall defend, indemnify and hold harmless the Town, its officers, directors, agents and employees from and against any and all actions, costs, claims, losses, expenses and/or damages, including attorney's fees, whether incurred prior to the institution of litigation, during litigation or on appeal arising out of or resulting from the conduct of any commercial activity hereby authorized or the performance of any requirement imposed pursuant by this agreement, however caused or occasioned, unless caused by the willful misconduct or gross negligence of the Town.

B. Franchisee shall further indemnify the Town, its officers, directors, agents and employees from and against any and all actions, costs, claims, losses, expenses and/or damage including attorney's fees, whether incurred prior to the institution of litigation, during litigation or on appeal, for or arising out of any bodily injuries to or the death of any of Franchisee's employees working at the specified location of operation during the specified hours of operation which may occur, however caused or occasioned, unless caused by the willful misconduct or gross negligence of the Town.

10. **NO AGENCY CREATED:** The parties hereto intend that no master/servant, employer/employee, or principal/agent relationship will be created by this agreement. Nothing contained herein creates any relationship between Night Heron Park Company and the Town of Kiawah Island, South Carolina, other than that which is expressly stated herein. The Town of Kiawah Island, South Carolina, is interested only in the results to be achieved through this grant of franchise. The

conduct and control of the agents and employees of Night Heron Park Company, and the methods utilized by Night Heron Park Company, in fulfilling its obligations hereunder shall lie solely and exclusively with the corporation and its agents, officers, and directors. Franchisee's employees shall not be considered agents or employees of the Town of Kiawah Island, South Carolina for any purpose. No person employed by Night Heron Park Company, shall have any benefit, status or right of employment with the Town of Kiawah Island, South Carolina.

11. **ASSIGNMENT:** Franchisee may assign or transfer its franchise to another entity or person subject to a sixty (60) day notification to the Town Administrator and upon approval in writing from the Town Council.
12. **EFFECTIVE DATE:** This agreement shall become effective upon approval by the Town Council.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the date and year first above written.

WITNESSES:

TOWN OF KIAWAH ISLAND

By: Craig Weaver
Its: Mayor

NIGHT HERON PARK COMPANY

By: Roger M. Warren
Its: President



EXHIBIT A

Map of Kiawah Island, South Carolina showing the location of beach franchise areas. (Yellow number labels designate the location of markers placed on the beach to delineate boundaries, GPS coordinates found in table to far right.)

LEGEND

- Beachwalker County Park
- Kiawah Island Golf Resort
- Beach Club
- Beach Franchise Area

Point	Longitude	Latitude
1	-80.13825	32.58098
2	-80.13079	32.58568
3	-80.12928	32.58647
4	-80.09598	32.59889
5	-80.08987	32.60047
6	-80.04472	32.60836
7	-80.04286	32.60866
8	-80.02168	32.61097

Beachwalker
County
Park

Windswept
Highrise

The
Sanctuary

Beach
Club

0 1,000 2,000 3,000 4,000

EXHIBIT "B" TO FRANCHISE AGREEMENT

The following is a list of products leased on the beach and in the ocean by the Franchisee.

Umbrellas/Cabanas

Chairs/Lounges

Back-Rests

Floats/Body

Boards Surf

Kayaks

The Franchisee shall take all appropriate and necessary steps to ensure that customers using the above referenced equipment shall utilize the same in a safe manner. The Town Administrator must give approval to the quantity and location of rental of surf kayaks.

EXHIBIT "C" TO FRANCHISE AGREEMENT

The following is a list of products that may be sold on the beach at a stationary location by the Franchisee.

Non-Alcoholic Beverages

Further, the items listed below may be sold and delivered to beach patrons from a duly licensed establishment located off the beach, e.g. on the Sanctuary grounds. Franchisee shall be responsible for all applicable taxes, including, but not limited to sales and hospitality taxes.

Food and Snacks

Alcoholic

Beverages

The Franchisee shall take all appropriate and necessary steps to ensure that any beverages sold meet applicable public health standards and that no used beverage containers remain on the beach.



TOWN OF *Kiawah Island*®

Mayor

Craig E. Weaver

Council Members

Jack Koach

Diana L. Mezzanotte

Chris Widuch

John R. Wilson

Town Administrator

Stephanie Monroe Tillerson

4475 Betsy Kerrison Parkway | Kiawah Island, SC 29455 | (843) 768-9166 | Fax (843) 768-4764 | www.kiawahisland.org

2018 ARTS & CULTURAL EVENTS COUNCIL

*Committee members are appointed by Town Council and serve one year terms.
All terms expire on January 31.*

Diana Mezzanotte, Chairman

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Education

Northeastern University, BA summa cum laude in Political Science, 1977.
Harvard Law School, J.D., 1982.

Work Experience

Boston Municipal Research Bureau, 1977-1979. Preparing and writing research reports on City of Boston finances.
Federal Reserve Bank of New York, Legal Department, 1982-1985. Attorney for the Reserve Bank and the Board of Governors of the Federal Reserve System.
Simpson Thacher & Bartlett, 1985-2011. Associate (1985-1991) and Partner (1991-2011) at a major New York law firm, primarily representing U.S. and foreign banks on bank regulatory matters.

Interests

Painting, jazz guitar, bridge, sailing, travel and golf. We are subscribers to the Charleston Symphony Orchestra, Chamber Music Charleston, Pure Theatre and the Spoleto Festival. We live in Kiawah from September through June and spend July and August in Newport.

David Wohl

David Wohl recently retired after seven years of serving as Dean of the College of Visual and Performing Arts and Professor of Theatre at Winthrop University in Rock Hill, SC. He holds the Ph.D. in Theatre from Kent State University, the M.A. in Dramatic Arts from the University of Connecticut and the B.A. in Psychology from Clark University. Prior to his service at Winthrop, Dr. Wohl was Dean of the College of Arts and Humanities and Professor of Communications and Media Studies at West Virginia State University for over 25 years. He was the Artistic Director and co-founder of the Charleston Stage Company in Charleston, WV and has published numerous articles and reviews in such publications as *Theatre Journal*, *Southern Theatre*, and *Journal of the Association for Communication Administration*. He has directed and/or acted in dozens of theatre productions for university, community, and professional theatre companies and served as co-producer of the films, *Chillers*, *Invasion of the Space Preachers*, and *Paradise Park*. He is currently an arts consultant for the Southeastern Theatre Conference and serves as their Finance VP. He and his wife, Sherry Simmers (a family practice physician) have two grown children (Isaac, a senior analyst with the International Trade Commission in Washington, D.C. and Gabriele, an assistant U.S. attorney in Charleston, WV) and two grandchildren. They've had a house on Kiawah since 2004 and are pleased to have moved there permanently last year.

Current Address: 588 Oyster Rake

New address (as of April 23, assuming everything goes ok!): 157 Governors Dr.

Phone: 304-552-9060