

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

December 3, 2019; 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
Chris Widuch, Mayor Pro Tem
Maryanne Connelly, Councilmember
Dan Prickett, Councilmember
Klaus Said, Councilmember

Also Present: Stephanie Monroe Tillerson, Town Administrator
Dwayne Green, Town Attorney

Notice of the meeting was posted with the Media 24 hours in advance, according to the Freedom of Information Act. All Town Council meetings are recorded for a complete transcript

Mayor Weaver indicated there were two proposed changes to the agenda. The addition of New Business item C. The appointment of the Town Attorney. Mr. Joseph Wilson's contract was approved to be effective January 1, 2020, but requires the appointment of the Council to act on behalf of the Town formally. New Business Item B. is to be moved to Executive Session to receive legal advice on the approval of the Settlement Agreement with Exclusive Resorts, LLC.

Mayor Weaver made a motion to add item C. To Consider Approval of the Appointment of the Town Attorney to New Business and to moved item B. To receive a legal opinion on the approval of the Settlement Agreement with Exclusive Resorts, LLC to Executive Session. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

III. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of November 5, 2019

Approval of the minutes of the November 5th Town Council meeting was deferred.

IV. **Mayor's Update:**

Mayor Weaver hoped that everyone had an enjoyable Thanksgiving holiday and a Happy Christmas holiday to come.

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

None

VI. **Consent:**

Mayor Weaver stated that the three consent items were reviewed and recommended to Town Council for approval by the Ways and Means Committee.

A. To Consider Approval of Employee Health Insurance Assistance for Calendar Year 2020

Mayor Weaver stated that following the discussion at the Way and Means Committee meeting the Employee Health Insurance Assistance for Calendar Year 2020.

The recommendation for the employee the only contribution for single employee coverage was to increase from \$10.00 to \$25.00.

B. To Consider Approval to Enter into a Contract with Segra for Internet and Phone Service

Mayor Weaver stated that discussion of the Contract with Segra at the Way & Means Committee meeting raised concerns that there be performance requirements included in the five-year contract along with the ability to cancel the contract if there are performance issues. He indicated that it is his understanding that the agreement will include provisions to address those concerns.

C. To Consider Approval for Code Enforcement Services and a Short-Term Rental Compliance Clerk

Mayor Weaver stated that discussion at the Way and Means Committee meeting recommended the reduction of the three-year contract to one-year with the option to extend for two additional one-year terms to enable the Town to assess the cost and the level of code compliance that was needed.

Councilmember Prickett made a motion to approve consent items A, B, and C. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

VII. Old Business:

None

VIII. New Business:

A. To Consider Approval of the 2020 Meeting Schedule

Mayor Weaver stated that the 2020 meeting schedule follows the previous year, with the exception that the Public Safety Committee meeting will be held at 11:30 for the coming year.

Councilmember Connelly made a motion to approve the 2020 Meeting Schedule. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

C. To Consider Approval of the Appointment of the Town Attorney

Mayor Weaver made a motion to approve the appointment of Joseph Wilson as the Town Attorney effective January 1, 2020. The motion was seconded by Mayor Pro Tem Widuch and was unanimously passed.

IX. Town Administrator's Report:

None

X. Council Member: None

- a. Committee Updates
- b. General Comments

XI. Citizens' Comments:

None

Councilmember Connelly made a motion to enter into Executive Session to receive legal advice on the Webster Rogers Litigation Regarding Potential Settlement or Approval of Legal Contract with Current Town Counsel to Handle Case Until Conclusion and to Receive Legal Opinion on the Approval of the Settlement Agreement with Exclusive Resorts, LLC. The motion was seconded by Councilmember Said and was unanimously passed.

XII. Executive Session:

- A.** To Receive Legal Advice on the Webster Rogers Litigation Regarding Potential Settlement or Approval of Legal Contract with Current Town Counsel to Handle Case Until Conclusion.
- B.** To Receive Legal Opinion on the Approval of the Settlement Agreement with Exclusive Resorts, LLC.

Mayor Weaver made a motion to come out of Executive Session and to return to Regular Session. The motion was unanimously passed.

Mayor Weaver stated that regarding the potential settlement of the Webster Rogers litigation or approval of a legal contract with current Town Counsel to handle the case until the conclusion, no decisions were made, no votes were taken, and no actions occurred.

Mayor Weaver stated that regarding the approval of the settlement agreement with Exclusive Resorts, LLC., no decisions were made, no votes were taken, and no actions occurred were made in Executive Session.

A Memorandum of Understanding (MOU) with Exclusive Resorts, LLC was presented to Town Council for consideration and approval. Mr. Wilson went over the MOU with Town Council.

Councilmember Said made a motion for the Town to enter into the Memorandum of Understanding (MOU) between the Town of Kiawah Island and Exclusive Resorts, LLC. The motion was seconded by Councilmember Prickett.

Mayor Pro Tem Widuch indicated that he did not support the MOU objecting to the confidential portion of the agreement. He felt inappropriate not to release the amount of any settlement on past accommodation taxes. Mayor Weaver asked Mr. Appel, the attorney for Exclusive Resorts, LLC, the significance of the redaction of that amount.

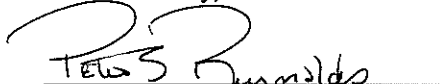
Mr. Appel indicated that the settlement amount could be viewed as sensitive tax information and could be subject to FOIA.

Following the discussion, the motion passed by a three to two vote. Mayor Pro Tem Widuch and Councilmember Connelly voting "No."

XIII. Adjournment:


Councilmember Prickett motioned to adjourn the meeting at 3:36 pm. The motion was seconded by Mayor Pro Tem Widuch and carried unanimously.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor

1-9-2020
Date