

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

January 8, 2019; 2:00 PM

AGENDA

I. Call to Order: *Mayor Weaver called the meeting to order at 2:00 pm.*

II. Pledge of Allegiance

Present at the meeting:

Craig Weaver, Mayor
Chris Widuch
Maryanne Connelly
Dan Prickett
Klaus Said

Also Present:

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

III. Approval of Minutes:

A. Minutes of the Town Council Meeting of December 4, 2018

Mr. Widuch made a motion to approve the minutes of the December 4, 2018, Town Council Meeting. The motion was seconded by Mayor Weaver and the minutes were unanimously approved.

B. Minutes of the Town Council Special Call Meeting of December 7, 2018

Mr. Prickett made a motion to approve the minutes of the December 7, 2018, Town Council Meeting. The motion was seconded by Mr. Widuch and the minutes were unanimously approved.

For the benefit of the new members of Council, Mayor Weaver explained that the minutes are sent out in advance of each meeting. If spelling, grammatical or minor errors are noted, they do not have to be held to the meeting, they can be given to the Town Clerk at any time and notated at the meeting. Any substantive change in the minutes should be brought up during the approval discussion.

Mayor Weaver stated that he had signed an amended set of minutes for the November 13th Town Council meeting. A resident noted that in the discussion of the rise of the Administrators salary increase it was inadvertently written in the minutes at \$125,000.00. The minutes have been amended to reflect the correct amount of \$120,500.00. The payroll system reflected the correct amount.

IV. Mayor's Update:

Mayor Weaver welcomed the new Town Council members to their first full meeting.

Mayor Weaver stated that this morning he signed the deputy contract with the Charleston County Sherriff's Office for the new approach to supplemental law enforcement officers for the day shift. He indicated the expected implementation on March 1st.

Mayor Weaver stated the Sea Level Rise was an issue that was dealt with last year and will continue to be an issue for Council through the coming year. He stated that the Kiawah Island Community Association (KICA) had established a small committee, in which the Town will participate, that is going to focus on the issues of drainage and stormwater management. KICA will take the lead since it owns 95% of the drainage and roads on the Island.

Mayor Weaver commented on the continuing issue with the waste facility at Sora Rail. He stated that with the small area and to better manage that waste issue, the prior Council approved the expenditure for compactors to be installed in that area. The hope is that the area will be more convenient for residents and will stay cleaner. It is anticipated that the installation of the compactors will begin next week.

V. Citizens' Comments (Agenda Items Only):

Wendy Kulick – 38 Marsh Edge Lane

Ms. Kulick thanked the new Council for the discussion of the Kiawah Island Utility rate increase application taking place in the executive session and reminded that an intervention on behalf of the Town does not object to what the Utility is asking for but to gather information to determine the requested increase. She stated that she asked Ms. Dennis, General Manager of the Utility if they were scheduling a public hearing to be held on Kiawah as had been done in the past. She was under the impression that it would be scheduled, but it has not. She asked that Town Council request the hearing.

Mayor Weaver stated that the date to request a public hearing had already expired. He indicated the Town did not request a public hearing on Kiawah because of the experience two years ago when many residents expressed concern at the size of the increase, a public hearing was requested. Representatives of the Public Service Commission came from Columbia for the hearing, and only four individuals spoke at the hearing. He stated that based on the turnout at the last hearing the decision was made not to ask the Commission Members to come to Kiawah.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill stated he sent an email to Council requesting to speak on several items, of which the error in the salary amount misstated in the minutes has been corrected. He stated that in an FOIA request he ask Ms. Tillerson to detail, by name and amount any extra remuneration given to employees. She responded that a total of \$500.00 in gift cards was awarded, but no documentation exists that list the information. He questioned why there was no written documentation and asked the Town Attorney to review the request.

Mayor Weaver stated that through the FOIA process if he is not comfortable with the formal response, the Town Attorney will be consulted to determine what the right and appropriate action is.

Virginia Abbott - 4304 Sea Forrest Drive

Ms. Abbott commented on the trash situation and asked if there is no extra space for more disposal.

Mayor Weaver indicated that there is a sign at the Sora Rail facility that indicates there are multiple trash facilities; Beachwalker Drive and at the Municipal Center. He reminded that the Town could not own property inside the gate and with not much property left available, the small space on Sora Rail, which is leased from the Utility, is what the Town has to use. He stated that he is confident that the new compactor will help solve some of the problems.

VI. Old Business:

None

VII. New Business:

A. Ordinance 2019- 01 - An Ordinance to Amend Article 16 – Beach Management, Chapter 1 – Beach Lighting – First Reading

Mayor Weaver gave a brief background on the revision of the original ordinance that was considered last year and passed the first reading. It was then determined to have significant issues and was never brought forward for a second reading.

Mr. Jordan stated that the need for a beach lighting ordinance is to protect nesting Loggerhead sea turtles and hatchlings which could be disoriented. He noted that the turtles are a Federal Endangered Species and any kind of disturbance or harassment is considered a State and Federal crime. He explained that the nesting turtle and hatchlings return to the ocean by moonlight reflecting on the ocean any kind of bright light can disorient the turtles.

The original ordinance, adopted in 1991, and then revised on 2001, stated that in new and existing development sections the policy only applied to development within the forty-yard setback zone or oceanward of the setback line. Kiawah has no homes oceanward of the setback line.

After reviewing ordinances from other nest beach communities, and meeting that included representatives from all the Island entities along with DNR and the Turtle Patrol. The current tenth draft of the ordinance amendment focuses on lighting that points towards or is visible from or on the beach along with special events or organized functions and flashlights and cellphones on the beach. He reviewed the proposed ordinance changes that would help clarify inconsistencies, easy to follow and easy to enforce.

Ms. Connelly made a motion to approve the first reading of Ordinance 2019- 01 - An Ordinance to Amend Article 16 – Beach Management, Chapter 1 – Beach Lighting. The motion was seconded by Mr. Widuch.

Mr. Widuch asked the Town Attorney if he had reviewed the ordinance and if it was enforceable. Mr. Green stated he had reviewed the ordinance and it met the standards by which it could be enforced.

Ms. Connelly asked if fireworks were included in the ordinance or if there was a need to. Mr. Jordan stated that fireworks are not included. He stated that there had been a discussion on the impact of fireworks on nesting turtles but would have to address separately from this ordinance. Mayor Weaver added that the Town has an ordinance that addresses fireworks specifically.

Following further discussion, the motion was unanimously passed.

- B. Appointment of Town Treasurer
- C. Appointment of Town Clerk
- D. Appointment of Town Attorney

Mayor Weaver stated by Town Ordinance, within each Council, Town Council must approve the appointment of the Town Treasurer, Town Clerk, and Town Attorney.

Ms. Connelly made a motion for the approval of the reappointment of Dorota Szubert as Town Treasurer, Petra Reynolds as Town Clerk, and Dwayne Green as Town Attorney. The motion was seconded by Mr. Prickett, and the motion unanimously passed.

E. Council Committee Assignments

Mayor Weaver stated that in the past years the Town has been moving toward having Town Staff chairing and responsible for various Town Committees. He stated there are only three members of Council that will be assigned to Chair Committees;

- Klaus Said to be appointed as Chairman of the Audit Committee
- Chris Widuch to be appointed as Chairman of the Ways and Means Committee
- Maryanne Connelly to be appointed as Chairman of the Public Safety Committee

The appointments for Mr. Said and Ms. Connelly are for one year. The appointment of Mr. Widuch is for his Council term.

Mayor Weaver made a motion to approve the appointment of Mr. Said as Chair of the Audit Committee, Mr. Widuch as Chair of the Ways and Means Committee and Ms. Connelly as the Chair of the Public Safety Committee. The motion was seconded by Ms. Connelly and was unanimously approved.

F. Council Liaison Assignments

Mayor Weaver stated that some of the Council Liaison assignments are still “works in progress” and listed the final assignments as;

- Dan Prickett will be a liaison to the Arts Council Board
- Maryanne Connelly will be the liaison to the Charleston Visitors Bureau
- Chris Widuch will be the liaison to the State ATAX Committee
- Mayor Weaver will be the liaison to the BCDCOG (Berkeley-Charleston-Dorchester Council of Governments) and CHATS (Charleston Area Transportation Study)
- Stephanie Tillerson is the Mayor permanent proxy for CARTA (Charleston Area Regional Transportation Authority)

Mayor Weaver stated that the liaison roles for the Environmental Committee, Conservancy, Public Works, Planning Commission, and BZA would be discussed after the Council Retreat later this month. He stated that the Communication Workgroup traditionally had a liaison but will no longer require one.

G. 2019 Committee Appointments

Mayor Weaver stated that the members of Public Works and State ATAX Committee will be reviewed and will be brought forward at the next meeting.

- Arts and Cultural Events Council

Ms. Tillerson indicated that the terms for the membership are one year expiring on January 31st. Stephanie Braswell Edgerton and Keely Laughlin are Staff Support that runs and support the Arts and Cultural Events. The Council has eight members that have requested to be reappointed. The Council, at their last meeting elected;

- Gary Rice, Chairman,
- David Wohl, Vice Chairman
- Bill Blizzard
- Judy Chitwood
- Becky Hilstad
- Van McCollum
- Jodi Rush
- Joan Collar

- Arts Council Board

- Dan Prickett, Town Council Liaison

- Gary Rice, *ACEC Liaison*
- David Wohol, *ACEC Liaison*
- Stephanie Monroe Tillerson, *Town Administrator*
- Stephanie Braswell Edgerton, *Town Communications Manager*

- Audit Committee

Ms. Tillerson stated the term for this committee was also one year, Dorota Szubert, Town Treasurer, was Staff Support along with Ms. Tillerson attending the meetings. Mr. Said was appointed as the Chairman, and the three current members of the Audit Committee were requesting reappointment with an additional member opening.

- Andrew J. Capelli
- James A Williams
- Ronald A Hoffman

- Environmental Committee

Ms. Tillerson stated the term for this committee was also one year, and Mr. Jordan is Chairman of the Committee. She indicated that three members have left the Committee and recommended the appointment of a new member David Pumphrey with the reappointment of the other current members.

- Jim Chitwood
- Jim Sullivan
- Lynne Sager
- Jane Ellis
- Pam Wilson
- Scott Nelson
- Beverly Gholson
- Jack Kotz

- Planning Commission

Ms. Tillerson stated the seven-member Commission has a four-year term. The Support Staff for the Commission is Johns Taylor the Town's Planning Director. The two members that are requesting reappointment is Fred Peterson, current Chairman of the Commission and Gale Messerman along with an open position that will be filled.

- Public Safety Committee

Ms. Connelly stated that the Public Safety Committee had two vacancies and requested the appointment of Dwight Williams to fill one of the vacancies and the reappointment of the current members.

- Joe Pezzullo
- Yvonne Johnstone
- Bill Thomae
- Julie Beier

Mr. Widuch made a motion to approve the appointment and reappointments of members of the Arts and Cultural Events Council, Audit Committee, Environmental Committee, Planning Commission, and the Public Safety Committee. The motion was seconded by Mr. Prickett and was unanimously passed.

VIII. Town Administrator's Report:

Ms. Tillerson gave an update on the Traffic and Safety Study that is being completed by Kimley-Horn for the Duneside area. She reported that they are working hard to get the study completed and have gathered information for different sources including the gate pass information from the Community Association to assembly their counts. She indicated that she is optimistic that the report will be completed in time to distribute it to the Planning Commission for their review in time for their meeting so that they can decide on the Parcel 13 Plat under consideration.

Ms. Tillerson stated that the popularity of Beachwalker County Park has over the years cause significant traffic issues on Beachwalker Drive. In working with the County Park on the traffic backup issue, last year they implemented a system in which if the park is full, you leave your telephone number and are called with time updates along with when space is available. To try to alleviate more of the traffic issue, the Town has been working on the addition of a designated right turn lane into the County Park. The County Park has also been working on a redesign of their entrance to make the flow of traffic in and out of the Park easier.

Ms. Tillerson stated that Kimley-Horn is now in the design phase of the project which will go to the Public Works Committee for their review and approval. Once approved the project will go out for bid and a proposal will be presented to the Ways and Means Committee for consideration. The goal is to have the project completed by May of this year.

IX. Council Member:

Mr. Said reported that there was a brief meeting of the *Audit Committee* to decide on the release of an RFP for the next four years of Audit Services for the Town.

Mr. Widuch reported that the final step had been crossed on the demolition of 122 Turnberry. He indicated that the demolition is scheduled to start on January 21st and completed on or before March 1st.

Mr. Prickett reported that the Arts Council Board had a preliminary organizational meeting and has established some procedures and operational timetables with the Arts Council.

Ms. Connelly reported that the Public Safety Committee would meet next Tuesday at 10:00 am.

Mr. Green reported that he had the opportunity to attend the SC Municipal Attorney's Association Annual Conference with 60 to 90 Municipal Attorneys from across the State. He noted that the seminar included an update on State and Federal law pertaining to Municipalities. He noted there was a lengthy session on FOIA and the general rule and consensus is that staff if not required to produce or create documents that come pursuant to a request. The policy followed by the Town is consistent with policies across the state. He stated the court was concerned with the need for transparency balancing with what could be excess work that can make a Municipality less efficient.

Mayor Weaver stated that every few years the State tries to take of the business licensing process and severely restrict business license revenue and/or eliminate it altogether. He asked Mr. Green to give an update on the on the legislation in progress at the upcoming Council strategy meeting.

Mr. Widuch added to his report by stating that Fire Station 6 construction completion date has now formally been moved to March 5th with a move in date of May or June. There are issues with the contractor and that a construction attorney is involved.

X. Citizens' Comments:

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill stated that since the old Council approved the Attorney's contact, he suggested that the new members on the Council should ratify his contract.

Mr. McGill stated that in reviewing the minutes of both Town Council and the Ways and Means Committee, he noted the absence of Charleston County Sheriff's Office (CCSO) contract but questioned if that was because it had not finalized.

Mayor Weaver indicated that in his "Mayor's Update" he stated that he had signed the CCSO contract this morning.

Mr. McGill indicated it should be made available and if he could get a copy this afternoon.

Mayor Weaver stated that the contract would be made available when it is countersigned by Charleston County Sheriff and by Charleston County Council.

Mr. McGill asked about a dismissal motion that was made in the suit with Webster-Rogers in which Court records did not show a judgment. **Mr. Green stated that the judge had not ruled on the motion and the suit is currently in the discovery phase.**

Mr. McGill questioned that it looked like there were opposing parties in the Turnberry case. **Mr. Green stated there were two defendants, neither of whom have opposed the action.**

Mr. McGill suggested that the Attorney should also be given the opportunity to make a report on any pending litigation, and he felt the items listed under the Executive Session are not necessarily privileged and do have to be discussed in Executive Session

Wendy Kulick – 38 Marsh Edge Lane

Ms. Kulick asked if there was any additional new information on the Berkley County lawsuit with Green Finney and will that impact the Town in any way.

Ms. Connelly made a motion to move into Executive Session to Receive Legal Advice from the Town Attorney on a Land Use and Zoning Matter Related to Vacation Club Destinations, to receive Legal Advice from the Town Attorney in Regard to the Kiawah Island Utility Rate Increase Application and to receive Legal Advice from the Town Attorney on the Outstanding Civil Action Regarding T. Rucker and Former Auditors Webster Rogers. The motion was seconded by Mr. Widuch and was unanimously passed.

XI. Executive Session:

- A. To Receive Legal Advice from the Town Attorney on a Land Use and Zoning Matter Related to Vacation Club Destinations**
- B. To Receive Legal Advice from the Town Attorney in Regard to the Kiawah Island Utility Rate Increase Application.**
- C. To Receive Legal Advice from the Town Attorney on the Outstanding Civil Action Regarding T. Rucker and Former Auditors Webster Rogers.**

Mr. Widuch made a motion to return to Regular Session. The motion was seconded by Mr. Said and was unanimously passed.

Mayor Weaver stated that no votes were taken and no decisions were made during the Executive Session that would bind the Town to any course of action.

XII. Adjournment:

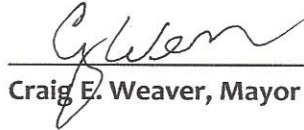
Mr. Widuch motioned to adjourn the meeting at 4:46 pm. The motion was seconded by Ms. Connelly and carried unanimously.

Submitted by,

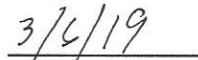


Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor



Date