



TOWN OF KIAWAH ISLAND

21 BEACHWALKER DRIVE • KIAWAH ISLAND, SC 29455 • (843) 768-9166 • FAX (843) 768-4764

TOWN COUNCIL MEETING Kiawah Island Municipal Center Council Chambers March 7, 2017; 2:00 PM

Mayor
Craig E. Weaver

Council Members
Jack Koach
Diana L. Mezzanotte
Chris Widuch
John R. Wilson

Town Administrator
Stephanie Monroe Tillerson

AGENDA

- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Minutes:
 - A. Minutes of the Town Council Workshop of January 26 & 27, 2017 [Tab 1]
 - B. Minutes of the Town Council Meeting of February 7, 2017 [Tab 2]
- IV. Mayor's Update:
- V. Citizens' Comments (Agenda Items Only):
- VI. Presentations:
 - A. Steve Traynum, Coastal Science & Engineering – Annual Monitoring Report
- VII. Old Business
None
- VIII. New Business:
 - A. Ordinance 2017-01 – To Amend the Municipal Code of the Town of Kiawah Island to Change the Nomination from Ordinance Violation Penalty to Fine for Violating Provisions of Ordinance – **First Reading** [Tab 3]
 - B. Ordinance 2017-02 - To Amend the Municipal Code of the Town of Kiawah Island to Change Language Penalizing Intent to Language Penalizing Activities Evidencing an Intent to Engage in Prohibited Businesses – **First Reading** [Tab 4]
 - C. Ordinance 2017-03 - To Amend the Municipal Code of The Town of Kiawah Island to Change Nomination of Violations to Building Code from Ordinance Violation Penalty to Fine – **First Reading** [Tab 5]
 - D. Ordinance 2017-04 - To Amend the Municipal Code of the Town of Kiawah Island to Change Building Code Violation Penalties To Be Nominated As Fines – **First Reading** [Tab 6]
 - E. Public Works Committee Appointments [Tab 7]
 - F. Employee Insurance Subsidy [Tab 8]
- IX. Town Administrator's Report:
- X. Council Member:
 - a. Committee Updates
 - b. General Comments
- XI. Citizen Comments:
- XII. Executive Session:
 - A. To Receive Legal Advice from Frank Ellerbe, Attorney Representing the Town on the Kiawah Island Utility Rate Case.
 - B. Discussion with the Town Attorney Regarding Former Town Administrator and Former Town Treasurer.
- XIII. Adjournment:

TOWN COUNCIL MEETING
Kiawah Island Municipal Center
Council Chambers
February 7, 2017; 2:00 PM

AGENDA

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

II. Pledge of Allegiance

Present at the meeting: Craig Weaver, Mayor
John R. Wilson, Mayor Pro-Tempore
Jack Koach
Diana Mezzanotte
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 10, 2017

Mr. Wilson made a motion to approve the minutes of the January 10, 2017 Town Council Meeting. The motion was seconded by Mrs. Mezzanotte and the minutes were unanimously passed.

IV. Mayor's Update:

Mayor Weaver reminded everyone about the Public Service Commission (PSC) night hearing for the Kiawah Island Utility rate adjustment. The public hearing will be taking place at the Turtle Point Clubhouse, tonight February 7th, at 6:00 pm. During the hearing, the public will have the opportunity to speak before the Commission for a period of three minutes, but the commissioners will not be allowed to respond to questions or comments. Mayor Weaver stated that both the Town and the Community Association have filed as interveners in the case and therefore will not be speaking or giving testimony at the hearing. The Town will be providing input or testimony through its attorney or directly at a hearing which will be held at a later time.

V. Citizens' Comments (Agenda Items Only):
Wendy Kulick – 3- Marsh Edge Lane

Mrs. Kulick thanked Mayor Weaver his reminder about the PSC night hearing and the clarification on the Town involvement at this public hearing. She thanked the Town for posting the openings on the Town's Boards and Committees. She commented on the Town streaming Town Council meetings online once in the new municipal Center. She stated it would allow those property owners and nonresidents who cannot attend to have the opportunity to see how the Town conducts business.

Mrs. Kulick stated the she and others pose questions to Council on a verity of topics. Though some are answered at the meeting she has not yet received answers to those questions which were not answered and she feels there is a hollowness when talking about transparency.

Mrs. Kulick described some of her challenges in navigating the Town's new website. She pointed out at the designer's preview presentation of the new website showed much easier navigation, which has not been the case so far.

Mrs. Kulick stated the agenda for the Council Retreat was not posted on the Town's website until approximately 5:00 pm the Tuesday preceding the Retreat on Thursday. She noted the roughly one business day was not sufficient for anyone looking to attend the meeting and asked that these agendas be posted much further in advance of the meeting to encourage Town resident to attend.

Mayor Weaver stated he would take responsibility for the late posting of the agenda which was due to last minute changes. He also felt that once the Town's website is fine-tuned and everything is working properly residents will enjoy the new website and discover it is easier to navigate and information is easier to find.

Frank Cannella – 342 Surfsong Road

As a resident and Board Member of the Charleston Therapeutic Riding Center on Johns Island, Mr. Cannella asked Council for support in the allocation of \$7,076.00 of the remaining Charitable Contributions funding. He explained how his organization operates and the individuals who take part in the services provided.

VI. Presentations:

A. Portrait Presentation – Former Mayor Charles R. Lipuma

Mayor Weaver commented on how lucky Kiawah was to have residents willing to give of their time to be involved with and support all manner of community organizations. He stated that Former Mayor Charlie Lipuma's Leadership has spanned over twenty-three years. As member and chairman of the Planning Commission and Arts Council as well as eight years on Council, four of those as Mayor.

Mayor Weaver presented Mr. Lipuma his Mayor's portrait for his years of leadership and in defining the development and direction of the Community.

VII. Old Business

None

VIII. New Business:

A. Approval of Beach Patrol Contract with Island Beach Services, Inc.

Mayor Weaver indicated the contract with Island Beach Services was reviewed and recommended for approval by the Ways and Means Committee.

Mr. Widuch made a motion to approve the contract with Island Beach Services as proposed. The motion was seconded by Mr. Koach and was unanimously approved.

B. Approval of Tidal Trails Franchise Agreement

Mayor Weaver indicated the franchise agreement with Tidal Trails was reviewed and recommended for approval by the Ways and Means Committee.

Mr. Widuch made a motion to approve the franchise agreement with Tidal Trails as proposed. The motion was seconded by Mr. Wilson and was unanimously approved.

C. Approval Charitable Contributions Recommendations

Mr. Weaver stated that each year the Town sets aside up to \$150,000.00 for contribution to local agencies and charitable organizations. This year the Town received twenty-six application requests which were presented to the Ways and Means Committee. The members reviewed, discussed, and recommend a funding amount for each applicant totaling \$141,000.00.

2017 Charitable Contributions Applications Summary	
Applicants	Recommended Funding
American Red Cross	\$ 1,500
Backpack Buddies Seabrook Island	\$ 2,000
Barrier Island Free Medical Clinic, Inc	\$ 20,000
Begin with Books	\$ 2,000
Bridges for End-of-Life	\$ 1,000
Catesby Commemorative Trust, Inc	\$ 2,000
Charleston Area Therapeutic Riding	\$ -
Charleston Symphony Orchestra	\$ 15,000
Chucktown Squash Scholars	\$ -
Engaging Creative Minds	\$ 5,000
Full Faith Ministries	\$ 6,000
Gibbes Museum of Art	\$ 12,000
Hebron Zion Presbyterian Church	\$ -
Kiawah Womens Foundation	\$ 7,000
Lowcountry Food Bank	\$ 5,000
Operation Sight	\$ 4,000
Our Lady of Mercy Community Outreach Services, Inc	\$ 20,000
Reading Partners	\$ 5,000
Scope 50	\$ 1,000
Sea Island Habitat for Humanity	\$ 12,000
Sea Islands Hunger Awareness Foundation	\$ 1,000
South Carolina Aquarium	\$ 8,000
Sweetgrass Garden Co-op	\$ 2,500
Teachers Supply Closet	\$ 9,000
Total	\$ 141,000

Mayor Weaver and Mr. Widuch recused themselves from voting on the request from Kiawah Women's Foundation.

Mayor Weaver made a motion to approve the Ways and Means recommended Charitable Contributions funding amounts as listed with the exception of the Kiawah Island Woman's Foundation in the amount of \$7,000.00. The motion was seconded by Mrs. Mezzanotte and unanimously approved.

Mr. Koach made a motion to approve the ways and Means recommended funding of Kiawah Island Woman's Foundation in the amount of \$7,000.00. The motion was seconded by Mr. Wilson and was unanimously approved. Mayor Weaver and Mr. Widuch recused themselves from the vote.

D. 2017 Committee Appointments

- Board of Zoning Appeals

Charlie Larson, Ron Hacker, Jack Braden, Ben Farabee, Michael Clawson, Randy Gilmore, Dr. Scott Parke and Wendy Kulick.

Mr. Koach motioned to reappoint Mrs. Kulick for additional three-year term to the Board of Zoning Appeals. The motion was seconded by Mayor Weaver and passed unanimously.

- Environmental

Diana Mezzanotte (Chairman), David Elliott, Jim Chitwood, Marilyn Olson, Lynne Sager, Robert Simmons, Jim Sullivan, Jane Ellis, Lynette Schroeder, Sandra Williams, John Leffler, Liz King, Amanda Mole, Matt Hill, John Kotz, Justin Core, Jim Jordan, and Aaron Given.

Mrs. Mezzanotte indicated the Environmental Committee lost one member, Mr. David Achey.

Mrs. Mezzanotte made a motion to reappoint the 17 existing members to the 2017 Environmental Committee. The motion was seconded by Mr. Widuch.

Mr. Wilson asked that the Committee work on making its membership more manageable using the Public Safety Committee as a model.

Following further discussion the motion was unanimously passed.

- Planning Commission

Fred Peterson, Larry Iwan, Andy Capelli, Bill Dowdy, Gale Messerman, Jack Koach and Daniel Prickett. The Committee will appoint a Chairman and Vice-Chairman at their upcoming meeting.

Mr. Koach motioned to reappoint Mr. Capelli and Mr. Dowdy for an additional four-year terms and appoint Mr. Brit Stenson to the Planning Commission. The motion was seconded by Mr. Wilson and was unanimously passed.

- Public Safety Committee

Chris Widuch (Chairman), Joe Pezzullo, Jack Regan, Yvonne Johnstone, Bill Thomae and Julie Beier

Mr. Widuch motioned to appoint Mrs. Maryanne Connolly to the Public Safety Committee. The motion was seconded by Mr. Wilson and was unanimously passed.

- SATAX Committee

- Dan Hubbard, Bill Blizard, Roger Warren, Pam Harrington, Judy Chitwood, Robbie Crawford, William Pittman

Mr. Koach motioned to reappoint the existing members to the 2017 SATAX Committee. The motion was seconded by Mrs. Mezzanotte.

E. Arts and Cultural Events Council Charter Amendment

Mrs. Mezzanotte indicated the proposed changes to the charter were to clean it up to provide a better understanding of the tasks and responsibilities of the Arts and Cultural Events Council.

Mr. Wilson made a motion to approve the amendments to the Arts and Cultural Events Council Charter. The motion was seconded by Mr. Widuch.

Following discussion and unanimously passed.

F. Environmental Committee Charter Amendment

Mrs. Mezzanotte indicated the proposed changes to the charter were to clean it up for better understanding of the activities of the Committee.

Mr. Widuch made a motion to approve the amendments to the Environmental Committee Charter. The motion was seconded by Mr. Koach and was unanimously passed.

G. Approval of the FY 2017- 2018 Budget Calendar

Mr. Wilson stated the Fiscal Year Budget Calendar was discussed at the Council Retreat and was designed to allow Council to be more involved at an earlier time in the budgeting process. He noted the proposed addition of a Ways and Means Budget Workshop on February 21st to review the FY 2016-2017 projections and to receive feedback from the Committee members on the FY 2017-2018 Budget so it can be refined and presented by the June 6th deadline.

Mr. Wilson made a motion to approve the proposed the FY 2017-2018 Budget Calendar with addition of the February 21st meeting. The motion was seconded by Mrs. Mezzanotte and unanimously passed.

IX. **Town Administrator's Report:**

Mr. Lameo reported on the status of the boardwalk damaged during the hurricane. He stated there were a total of 168 public and private boardwalks on the beach. As of the 24th of January, there were 43 damaged boardwalks which had not yet been repaired. Letters were sent to the owner of the 27 which extended more than 10 feet onto the active beach. He noted that approximately 8 have replies have been received for Architectural Review Board (ARB) review and repair recommendation. The additional 16 only need minor repairs and do not pose a hazard.

Mr. Lameo reported on the storm water project by stating the materials have been received and work should begin later this week or the beginning of the next. The work which will begin at the Beachwalker Drive intersection moving down toward the Municipal Center driveway and is expected to take three to four weeks.

X. **Council Member:**

- a. Committee Updates
- b. General Comments

Mrs. Mezzanotte reported on the upcoming *Arts Council* events taking place this month. She indicated that of the last seven events, four were sold out.

Mrs. Mezzanotte, as part of the Environmental Committee, reported on the *Post and Courier* article which highlighted the Yellow-Green Vireo. The South American bird made its South Carolina debut here on the Island and Mr. Given, Town Biologist, was interviewed for the article. She reported the annual deer count revealed sixty-six deer per square mile which has been stable since 2010. Also, applications for the Environmental Initiatives are being taken until February 15th and will be reviewed at the February 16th meeting.

Mr. Wilson stated the Town has a seat on the BODCOG and CHATS. A meeting was to have taken place yesterday. On the agenda was an item to approve a resolution for the use of federal funds to help in the completion of I-526. He stated the meeting was canceled on short notice and rescheduled for next Monday but did not know if the controversial resolution was on the upcoming agenda. He noted the Town of Mount Pleasant did not support the completion of I-526, but the City of Charleston as well as the Town have been proponents of the completion.

Mr. Widuch and Mr. Koach had no additional reports.

XI. Citizen Comments:

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick again spoke to the allegations against the former Town Administrator and Treasurer. She noted an article in the *Post and Courier* referencing the allegations in which Mayor Weaver stated that there had not been a resolution in the matter; it was still in the hands of the US Attorney's office and was still subject to active investigation. She pointed out that the forensic accountant's report was completed eighteen months ago and noted the many articles published in which individuals committed similar crimes are swiftly brought to justice. She questioned what follow-up actions the Town has taken with US Attorney's office and when the Town presented the forensic report to the Solicitor's Office.

Mrs. Kulick encourages all the members of Council to attend the PSC Meeting this evening.

Mayor Weaver stated there was no information that he can add to the comments reported by the *Post and Courier*. He indicated the Town is also mystified by the lack of action taking place in this case and would like to see a more significant movement toward a resolution. He stated the Town is periodically in touch with the appropriate law enforcement officers but has received no additional information.

Marilyn Larach -1082 Terrapin Court

Dr. Larach commented on the earlier discussion of the boardwalk extending out on the active beach. She noted the dunes under the boardwalk close to her home seem to be accreting at a very rapid rate which may solve the need for shortening some of the boardwalks.

Rob Edgerton – Island Beach Services

Mr. Edgerton thanked Council for giving Island Beach Services the opportunity to continue to provide Beach Patrol services.

XII. Executive Session:
None

XIII. Adjournment:

Mayor Weaver motioned to adjourn the meeting at 2:43 pm. The motion was seconded by Mr. Widuch and carried unanimously.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date

TOWN OF KIAWAH ISLAND

Ordinance 2017-01

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF KIAWAH ISLAND TO CHANGE THE NOMINATION FROM ORDINANCE VIOLATION PENALTY TO FINE FOR VIOLATING PROVISIONS OF ORDINANCE

WHEREAS, the Town of Kiawah Island Municipal Code Article 4, Chapter 3 Section 4-320 states: "Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to an ordinance violation penalty of up to \$500.00 or imprisonment for not more than 30 days, or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein."

WHEREAS, the current language of the ordinance provides for violation penalties in the event of non-compliance which are civil in nature, and the municipal court is a criminal court specifically empowered to assess criminal fines for violation of specific ordinances; and

WHEREAS, the revision of the language from "ordinance violation penalty" to "fine" more accurately reflects the intent of the legislature in granting certain authority to municipal courts of the state:

NOW, THEREFORE, BE IT ORDERED AND ORDAINED, by the Council of the Town of Kiawah Island, South Carolina and it is ordained by the authority of said Council. That the new revised ordinance should read as follows:

SECTION 1

Sec. 4-320. - Violations

Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than 30 days, or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein.

SECTION 2

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons,

property, kind of property, circumstances or set of circumstances such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3 Effective Date and Duration

This Ordinance shall be effective upon second reading approval.

PASSED, APPROVED, AND ADOPTED BY COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 4th DAY OF APRIL 2017.

Craig Weaver, Mayor

Petra Reynolds, Town Clerk

First Reading Approval: March 7, 2017

Second Reading Approval: April 4, 2017

TOWN OF KIAWAH ISLAND

Ordinance 2017-02

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF KIAWAH ISLAND TO CHANGE LANGUAGE PENALIZING INTENT TO LANGUAGE PENALIZING ACTIVITIES EVIDENCING AN INTENT TO ENGAGE IN PROHIBITED BUSINESSES

WHEREAS, the Town of Kiawah Island Municipal Code Article 4, Chapter 4, Section 4-301 states: "Every person engaged or intending to engage in any calling, business, occupation or profession referenced in Section 4-323, in whole or in part, within the limits of the town, is required to pay an annual license fee based on gross income, as defined herein, and obtain a business license as herein provided."

WHEREAS, the current ordinance arguably criminalizes intent, and a revision of such language would make clear council's prohibition of specific activities rather than intent;

NOW, THEREFORE, BE IT ORDERED AND ORDAINED, by the Council of the Town of Kiawah Island, South Carolina and it is ordained by the authority of said Council. That the new revised ordinance should read as follows:

SECTION 1

Sec. 4-301. - License Required

Every person engaged or engaged in any activities evidencing an intent to do the same in any calling, business, occupation or profession referenced in Section 4-323, whole or in part within the limits of the town, is required to pay an annual license fee based on gross income, as defined herein, and obtain a business license as herein provided.

SECTION 2

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3 Effective Date and Duration

This Ordinance shall be effective upon second reading approval.

PASSED, APPROVED, AND ADOPTED BY COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 4th DAY OF APRIL 2017.

Craig Weaver, Mayor

Petra Reynolds, Town Clerk

First Reading Approval: March 7, 2017

Second Reading Approval: April 4, 2017

TOWN OF KIAWAH ISLAND

Ordinance 2017-03

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF KIAWAH ISLAND TO CHANGE NOMINATION OF VIOLATIONS TO BUILDING CODE FROM ORDINANCE VIOLATION PENALTY TO FINE

WHEREAS, the Town of Kiawah Island Municipal Code Article 9, Chapter 4, Division 2, Section 9-201(d) states: "Commencing to perform construction activities on properties within the Town of Kiawah Island when the undertaking is \$200.00 or more prior to obtaining a contractor's license from the State of South Carolina and a permit from the Town of Kiawah Island shall constitute an ordinance violation and shall result in an ordinance violation penalty not to exceed \$500.00. Each day the ordinance violation continues constitutes a separate offense."

WHEREAS, the current language of the ordinance provides for violation penalties in the event of non-compliance which are civil in nature, and the municipal court is a criminal court specifically empowered to assess criminal fines for violation of specific ordinances; and

WHEREAS, the revision of the language from "ordinance violation penalty" to "fine" more accurately reflects the intent of the legislature in granting certain authority to municipal courts of the state:

NOW, THEREFORE, BE IT ORDERED AND ORDAINED, by the Council of the Town of Kiawah Island, South Carolina and it is ordained by the authority of said Council. That the new revised ordinance should read as follows:

SECTION 1

Sec. 9-201. – Licenses

(d) Commencing to perform construction activities on properties within the Town of Kiawah Island when the undertaking is \$200.00 or more prior to obtaining a contractor's license from the State of South Carolina and a permit from the Town of Kiawah Island shall constitute an ordinance violation and shall result in a fine not to exceed \$500.00. Each day the ordinance violation continues constitutes a separate offense.

SECTION 2

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to

be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3 Effective Date and Duration

This Ordinance shall be effective upon second reading approval.

PASSED, APPROVED, AND ADOPTED BY COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 4th DAY OF APRIL 2017.

Craig Weaver, Mayor

Petra Reynolds, Town Clerk

First Reading Approval: March 7, 2017

Second Reading Approval: April 4, 2017

TOWN OF KIAWAH ISLAND

Ordinance 2017-04

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF KIAWAH ISLAND TO CHANGE BUILDING CODE VIOLATION PENALTIES TO BE NOMINATED AS FINES

WHEREAS, the Town of Kiawah Island Municipal Code Article 9, Chapter 2, Division 6 Section 9-124 states: "Any person who violates a provision of this code or fails to comply with any of the requirements there of or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

(1) *Violation; mandamus and injunctive relief; penalty.*

- a. For a violation of the codes or regulations adopted pursuant to this article, the building official, adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may apply for injunctive relief, mandamus, or other appropriate proceeding. A court may grant temporary injunctive relief upon receipt of a verified affidavit asserting imminent danger or emergency situation.
- b. A person, firm, business, corporation, or other entity found to be in violation of this code must receive a citation and pay an ordinance violation penalty in an amount not to exceed \$200.00. Before being charged with a second violation, the person, firm, business, corporation, or other entity must be given ten business days from the date of the issuance of the citation to remedy the violation or submit a plan for correcting the violation.
- c. A person, firm, business, corporation, or other entity who fails to correct the violation or submit a plan for correcting the violation within ten business days of the issuance of the citation must pay an ordinance violation penalty not to exceed \$500.00. Each day a violation continues is a separate offense.

WHEREAS, the current language of the ordinance provides for violation penalties in the event of non3compliance which are civil in nature, and the municipal court is a criminal court specifically empowered to assess criminal fines for violation of specific ordinances; and

WHEREAS, the revision of the language from "ordinance violation penalty" to "fine" more accurately reflects the intent of the legislature in granting certain authority to municipal courts of the state:

NOW, THEREFORE, BE IT ORDERED AND ORDAINED, by the Council of the Town of Kiawah Island, South Carolina and it is ordained by the authority of said Council. That the new revised ordinance should read as follows:

SECTION 1

Sec. 9-124. – Violations Penalties

Any person who violates a provision of this code or fails to comply with any of the requirements there of or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

(1) Violation; mandamus and injunctive relief; penalty.

- a. For a violation of the codes or regulations adopted pursuant to this article, the building official, adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may apply for injunctive relief, mandamus, or other appropriate proceeding. A court may grant temporary injunctive relief upon receipt of a verified affidavit asserting imminent danger or emergency situation.
- b. A person, firm, business, corporation, or other entity found to be in violation of this code must receive a citation and pay a fine in an amount not to exceed \$200.00. Before being charged with a second violation, the person, firm, business, corporation, or other entity must be given ten business days from the date of the issuance of the citation to remedy the violation or submit a plan for correcting the violation.
- c. A person, firm, business, corporation, or other entity who fails to correct the violation or submit a plan for correcting the violation within ten business days of the issuance of the citation must pay a fine not to exceed \$500.00. Each day a violation continues is a separate offense.

SECTION 2

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3 Effective Date and Duration

This Ordinance shall be effective upon second reading approval.

PASSED, APPROVED, AND ADOPTED BY COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 4th DAY OF APRIL 2017.

Craig Weaver, Mayor

Petra Reynolds, Town Clerk

First Reading Approval: March 7, 2017

Second Reading Approval: April 4, 2017

2017 PUBLIC WORKS COMMITTEE

Members are appointed by the Mayor and Town Council and serve for one year terms. Terms expire on January 31.

Stephanie Monroe Tillerson, Chairman
Town Administrator
21 Beachwalker Drive
Kiawah Island, SC 29455
768-9166
stillerson@kiawahisland.org

James (Jim) Gilliam
224 Eagle Point Road
Kiawah Island, SC 29455
843-202-0298
Jigilliam0928@gmail.com

David DeStefano
31 Burroughs Hall
Kiawah Island, SC 29455
401-487-3282
davedestef@cox.net

Warren Stannard
294 Surfsong Road
Kiawah Island, SC 29455
843-768-1452
wgstannard@bellsouth.net

Joseph Kasman
75 Otter Island Road
Kiawah Island, SC 29455
843-768-6935
jdkasman@gmail.com

Stephen Sager
582 Oyster Rake
Kiawah Island, SC 29455
843-768-4865
ssager@sbsager.com

Rusty Lameo
Town Staff
21 Beachwalker Drive
Kiawah Island, SC 29455
768-9166
rlameo@kiawahisland.org

Craig Weaver – Mayor
Council Liaison
535 Bufflehead Drive
Kiawah Island, SC 29455
843-768-7233
cweaver@kiawahisland.org

RESUME FOR JAMES (JIM) GILLIAM

224 Eagle Point Road
Kiawah Island, S.C. 29455
Home: 843-202-0298

44 S. Washington Circle
Hinsdale, Illinois 60521
Home: 630-920-0017

Email: jgilliam0928@gmail.com
Cell: 630-567-4400

Education: B.S. in Chemical Engineering, Georgia Institute of Technology, Co-op Work/Study Plan, 1972.

Summary: Extensive experience in project management and project engineering on project retrofits and greenfield sites in the refinery, fine chemicals, bio-tech, and building products industries. A team player and problem solver with a participative management style. Strong skills in engineering management, engineering and construction scope development, cost estimating, scheduling, engineering construction coordination, and meeting facilitation.

Selected Experiences:

BP Products North America Inc., Whiting, Indiana

Client Manager responsible for project oversight, client relationship, and project execution. Projects encompassed aspects of updating and maintaining a 100-year-old refinery: piping, structural, electrical, instrumentation, civil, and process scopes of work.

Senior Project Manager (SPM) and Engineering Construction Coordinator for a \$2MM piping retrofit project to transfer tank farm distillates to a rail and trucking terminal. Project included the addition of a new pumping station.

SPM and Engineering Construction Coordinator for a \$30MM infrastructure improvement project in the Alkylation Unit. Project consisted of piping, concrete, steel decking, and structural steel upgrades to support replacement of a corroded underground piping system, process improvements, modifications to the condensate collection system, and additions to the electrical system.

SPM for the preparation of a proposal and high level design of a plant wide cooling water system upgrade.

SPM for the proposal preparation and design of a relief valve header scrubbing system and an acid degassing upgrade for the Alkylation Unit.

Dover Chemical Company, Hammond, Indiana

Project Manager for scope of work preparation, design, and cost estimate for a \$3MM chemical process modification. Project consisted of reactors, heat exchangers, scrubbers, absorption columns, pumps, tanks, Teflon and glass lined piping, and instrumentation.

U.S. Gypsum Company, Chicago, Illinois

Project Engineer for three \$100MM Greenfield wallboard expansion facilities, a \$50MM ceiling tile plant expansion, and a \$7MM perlite plant expansion. Responsible for engineering design, cost estimating, schedule development and tracking, and engineering construction coordination.

Alpha-Beta Technology, Smithfield, Rhode Island

Project Engineer for a \$30MM Greenfield bio-tech facility. Project consisted of fermenters, heat exchangers, piping, pumps, tanks, clean rooms, and an HVAC system. Responsible for engineering design, cost estimating, and engineering construction coordination.

**David P. DeStefano
31 Burroughs Hall
Kiawah Island, SC 29455**

February 10, 2017

Petra Reynolds, Town Clerk
Town of Kiawah Island
21 Beachwalker Drive
Kiawah Island, SC 29455

Re: Building Committee

VIA Email Only: preynolds@kiawahisland.org

Dear Ms. Reynolds:

Please accept this letter and resume as my application to be appointed to the Public Works Committee.

The following is a brief resume of my qualifications:

Education:

BS in Mechanical Engineering and Applied Mechanics, University of Rhode Island
Juris Doctoris, New England School of Law, Boston Massachusetts
Master of Laws in International Banking Law, Boston University

Career:

For the past 26 years I have been a solo practicing attorney concentrating in the areas of construction related matters. My clientele consists of small to medium size businesses and individuals including one of Rhode Island largest public works contractor. My representation of these clients includes corporate governance, contracts, litigation, arbitration, and financial related matters. My practice includes interacting with and representing general contractors, subcontractors, condominium associations, commercial and residential developers, property owner associations, regulatory agencies as well as the associated financial matters.

Prior to my legal career I held several executive positions with medium and large size general contractors, mostly as project manager. A significant part of my construction background was in “design – build” projects for commercial and industrial projects. My duties included working with design professionals, estimating, bidding and negotiating contracts with project owners and subcontractors.

I believe my experience as a contractor, engineer and attorney will be an asset to the Public Works Committee.

Sincerely,

David P. DeStefano

Kasman Capital, Inc.

Joseph Daniel Kasman

President

Mr. Kasman has over 25 years of experience in the real estate industry acquiring, financing and structuring real estate investments. Mr. Kasman is currently President of a real estate investment and advisory company, Kasman Capital, Inc., which oversees investment of private capital in real estate ventures and advises third party real estate clients. Kasman Capital has directed the execution of over \$1.0 billion of real estate acquisitions, dispositions and financings in commercial, residential, retail, industrial and senior housing sectors.

In addition to running his own investment company, Mr. Kasman was Executive Vice President of Development for Atria Senior Living, a prominent senior housing provider, where he was a member of the Company's Executive Committee and Board of Directors. In his role with Atria, he was responsible for overseeing over \$500 million in development and redevelopment projects throughout the country.

Prior to that role, Mr. Kasman was Sr. Vice President and Chief Financial Officer for Tower Realty Trust, a \$700 million publicly traded Real Estate Investment Trust (REIT), which he was instrumental in taking public in 1997 as one of the first New York based office REITs. In this capacity, Mr. Kasman was responsible for all financial structuring affairs for the company, as well as acquisition and investment activities.

Before joining Tower, Mr. Kasman was Vice President of Acquisitions for Reichmann International, a joint venture of George Soros and Paul Reichmann, and an opportunistic investment vehicle investing on behalf of Quantum Realty Fund. At Reichmann, Mr. Kasman was involved in over \$800 million of real estate investments, including several joint ventures with prominent real estate companies. Prior to this position, Mr. Kasman was Vice President of Finance of Olympia & York Companies, USA ("O&Y"), a \$5 billion entity with commercial real estate investments throughout the United States. At O&Y, Mr. Kasman was involved in all financing and capitalization issues for the company.

Mr. Kasman has a BS in Civil Engineering from SUNY at Buffalo, and an MBA in Finance and Real Estate from CUNY, Baruch College. He resides in Kiawah Island, SC with his wife and has two daughters.

Stephen B. Sager

582 Oyster Rake

Kiawah Island, SC. 29455

768-4865 (H) 617-429 0630 (M)

Personal: Full time Kiawah resident with my wife, Lynne.

4 children 4 grandchildren

Professional: Founded, Owned and operated a professional electrical engineering firm: S.B. Sager and Associates.

Incorporated in 1984 and still in operation today (run by my oldest son, Kurt).

I'm still a registered EE in Mass.

Member of NFPA (National Fire protection Association)

SC licensed Residential Builder #23766

Hobbies: woodworking, golf



REQUEST FOR TOWN COUNCIL ACTION

TO: Mayor and Council Members
FROM: Stephanie Monroe Tillerson, AICP, Town Administrator
SUBJECT: 2017 Employee Insurance Subsidy
DATE: March 7 2017

BACKGROUND:

The Town Council reviews the employee health insurance subsidy annually. Currently, the Town provides a \$131.00 per employee-only subsidy for health insurance premiums (excluding Tobacco Surcharge). Employees are responsible for the full cost of any dependent or family coverage.

ACTION REQUESTED:

To approve the continuation of the current a health insurance subsidy of \$131.00 for the employee only portion of the Health, Dental, and Vision insurance coverage.

BUDGET & FINANCIAL DATA: General Fund (budgeted funds available)