

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

MINUTES

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 Workshop of January 26 & 27, 2017

Mr. Wilson made a motion to approve the minutes of the January 26 & 27, 2017 Town Council Workshop Meeting. The motion was seconded by Mrs. Mezzanotte.

Approval of the minutes of the Town Council workshop of January 26 and 27, 2017 was deferred to the March Town Council meeting.

B. Minutes of the Town Council Meeting of February 7, 2017

Mrs. Mezzanotte made a motion to approve the minutes of the February 7, 2017/ Town Council Meeting. The motion was seconded by Mr. Widuch and the minutes were unanimously passed.

IV. **Mayor's Update:**
None

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

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill stated the minutes of the January 26th and 27th Town Council Workshop were not available until shortly before today's Council meeting. He indicated there was not enough time for review of the minutes if they are not posted in a timely manner and hoped this would not be a frequent occurrence.

Mr. McGill stated he asked for but did not receive the minutes from the Human Resources Workgroup he attended. He questioned if the Mayor or Council was distinguishing a workgroup

as not requiring minutes. He felt a workgroup was similar to a committee and should therefore have minutes.

Mr. McGill congratulated the members of the new Council and wished them luck. He stated that even though the positions are volunteer he once again stated he felt the positions should be paid positions.

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick questioned why discussion of the former Town Administration Tumiko Rucker and the former Town Treasurer Ken Gunnells would take place in Executive Session. Since they are no longer Town employees, there should not be a reason there cannot be a public discussion.

She also questioned if other Municipalities in our area or in the State of SC provide subsidies for employee health insurance programs.

VI. Presentations:

A. Steve Traynum, Coastal Science & Engineering – Annual Monitoring Report

Mayor Weaver stated Coastal Science & Engineering is the firm used to do surveying and to advise the Town on conditions of the beach and renourishment projects. He stated the presentation would be a review of the beach survey recently completed and would include the impact of last year's hurricane and possible issues which may have to be addressed in the future.

Mr. Traynum with Coastal Science & Engineering gave a PowerPoint presentation of the 2016 Beach Monitoring Report delayed to January 2017. He began by giving a brief overview of CSE and the Kiawah Island beach. He reviewed of the events that led to the Town Beach renourishment and post-project monitoring projects in 2006 and 2015. In the 2006 Restoration Project;

- Moved ~550,000 cubic yards of sand
- Inlet realignment plus beach restoration
- Used land-based equipment
- Cost of project was \$3.6 million

In the 2015 Channel Realignment Project;

- Moved 100,000 cubic yards of sand
- Limited beach restoration
- Focus on habitat conservation
- Cost of project was approximately \$958,000

Mr. Traynum reviewed the events of 2015-2016 which included Hurricane Joaquin in October 2015 and Hurricane Matthew in October 2016 which resulted in significant dune recession, damaged walkovers, and minor flooding. He discussed the damage and beach losses after the current storm, and the post storm configurations. Using photographs of different locations on the Island, he also reviewed the 2015 to 2017 volume changes, dune erosion, and beach recovery.

Mr. Traynum reviewed a summary of the presentation and recommendations:

- Overall, the island lost ~850,000 cubic yards of sand from Nov 2015 to Jan 2017, mostly due to Hurricane Matthew. Erosion was widespread.

- Dune erosion between 15 and 40 feet along residential area, higher along Kiawah Spit
- Recovery of the dune is ongoing and should be monitored by the Town
- No emergency action is presently recommended
- Should sand fence be installed, it should be placed as close to the primary dune as possible
- The east end project area continues to evolve
- Matthew opened a new channel near the 2006 channel location
- The ponded area near the driving range is mostly cut-off from tidal exchange, reducing erosion threat
- Permit allows for another project to be completed, if necessary, in 2018

Members questioned Mr. Traynum on the positioning of sand fencing areas of the beach which do not naturally accrete sand as potential projects, off shore recovery sand, and prediction of potential damage to the beach if another storm would occur this year with the current dune loss.

Mayor Weaver commented on the report and the concerns about the esthetics of the beach. He felt that making sure Kiawah has a healthy beach and protecting structures and property was one of the more important responsibilities of the Town. He reviewed efforts to complete the restoration of boardwalks, seeking a permit from OCRM for potential sand fencing, and continue discussions with CSE and other entities to determine future projects that would be beneficial to the recovery.

VII. Old Business

None

VIII. New Business:

Mr. Green read the presented State Statute on establishment and powers of the Municipal Courts in South Carolina.

SC Code 14-25-45- Powers, duties and jurisdiction of municipal courts. Each municipal court shall have jurisdiction to try all cases arising under the ordinances of the municipality for which established. The court shall also have all such powers, duties, and jurisdiction in criminal cases made under state law and conferred upon magistrates. The court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts. The court shall have no jurisdiction in civil matters.

Mr. Green indicated Town ordinances label violations as “ordinance violation penalties.” The Town Municipal Court Judge has requested to have uniform language in town Ordinances to reflect “a fine” in place of “ordinance violation penalties.” The four ordinances which follow make the language change in the existing ordinances in accordance with SC Code 14-25-45 and clearly announces the Municipal Court has the ability to fine and individual.

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

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

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**

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**

Mr. Koach made a motion to approve the first reading of Ordinance 2017-01, 2017-02, 2017-03, and 2017-04. The motion was seconded by Mr. Wilson.

Following discussion, the motion was unanimously passed.

E. Public Works Committee Appointments

Mayor Weaver stated at the last Council meeting the charter was approved to establish the Public Works Committee. He felt that though the Town is not responsible for a great deal of infrastructure, the intent of the Committee is to use its expertise to monitor the maintenance of the parkway, roundabout, bike path, the bridge and the review of possible Capital Projects.

Mayor Weaver made a motion to appoint, Jim Gilliam, David DeStefano, Warren Stannard, Dan Kasman, and Stephen Sager to the 2017 Public Works Committee. The motion was seconded by Mr. Widuch.

Mayor Weaver stated for the moment he would be the Council Liaison but another member of Council would be taking over the position.

Following the discussion the motion was unanimously passed.

F. Employee Insurance Subsidy

Ms. Tillerson stated the Ways and Means Committee made a recommendation to approve the request to continue the current employee subsidy of \$131.00 for employee-only health insurance.

Mr. Wilson made a motion the approval of the \$131.00 employee only health insurance subsidy. The motion was seconded by Mr. Widuch and unanimously passed.

In response to Mrs. Kulick's Citizen's Comment question, Mayor Weaver stated that the practice of paying a supplement to an employee health insurance plan is a common practice.

Following the discussion the motion was unanimously passed.

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

Ms. Tillerson reported she has scheduled Emergency Preparedness Training this month for Staff with the inclusion of representatives of the major entities and was in the process of scheduling for Council Members.

Ms. Tillerson reported the move to the new Municipal Center is anticipated to take place in late July to early August. In preparation of the move staff has begun digitizing in an effort to go more paperless and moving companies are giving estimates for the move.

Ms. Tillerson stated the first Departmental Workshop with Council would be taking place on Thursday and was with the Wildlife Department.

Mr. Lameo reported there were 25 private boardwalks which extended on the active beach further than the ten feet allowed by OCRM (Ocean and Coastal Resource Management). Homeowners were notified with ten responding. Four have done work with six opting to take the year allowed in Town Ordinance. He noted the Community Association only had seven boardwalks left to repair, five having approval from the ARB (Kiawah Island Architectural Review Board) with two still awaiting approval.

Mr. Lameo reported the drainage project along Beachwalker Drive is approximately 70% completed with an estimated completion in another week.

X. Council Member:

- a. Committee Updates
- b. General Comments

Mr. Koach had no further comments.

Mr. Widuch reported the *Public Safety Committee* was informed that the re-bids are still being prepared for the new fire station. State approval of the sprinkler system in the temporary fire station trailer has not yet been obtained. The issue is expected to be resolved with delivery sometime in April. At the next meeting there will be a presentation made by Meducare Air. Mr. Widuch indicated the Municipal Center project is still within budget and reviewed the change orders approved or pending in the last month.

Mr. Wilson reported on the new Chairman of the State Infrastructure Bank along with the CHATS (Charleston Area Transportation Study) and County approval of funding for I526. He reported at the BCDCOG (Berkeley-Charleston-Dorchester Council of Governments) meeting they agreed to host Dr. Roberts to give his John's Island Roads presentation at the next County Council, Public Works Committee meeting.

Mrs. Mezzanotte reported the *Environmental Committee* worked with the Conservancy and other groups to identify initiatives to recommend funding to the Ways and Means Committee. She also noted the Environmental Committee created a subcommittee to look at the effects of Sea Level Rise on Kiawah.

Mrs. Mezzanotte reported *Arts Council* was in the process of finalizing the Arts and Cultural Events calendar of the 2017/2018 season which include twenty-six major events. She stated there had been seven Arts Council events over the past month, most of which were sold out and reviewed upcoming events.

Mayor Weaver commented on the Departmental Workshop discussed at the January Council Retreat. He stated the four Workshops would provide the opportunity to have in-depth

discussions with the department staff members to gain a better understanding of what they do, and what priorities or issues they have.

XI. Citizen Comments:

Lynn Morgenstern – 164 Marsh Island Drive

Mrs. Morgenstern stated her comments were as a resident of the Town and not in any official capacity. She indicated she read the testimony given by the Mayor in connection to the Kiawah Utility rate case pending before the SC Public Service Commission (PSC). She felt his testimony raised important issues, was to the point and persuasive. She thanked the Mayor and Council for spearheading the effort and working with the Community Association to obtain fair utility rates.

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick thanked Mr. Green for his short, to the point and easy to understand presentation. She asked how long the Executive Session may take.

Mayor Weaver indicated the two items are thought to take approximately forty-five minutes and assured her in advance that no decision would be made and no votes would be taken and are information only items.

Mrs. Kulick made the suggestion that the pictures which were not included the CSE Report presentation be added before it is posted to the Town's website.

Mrs. Kulick thanked the Mayor for the time spent reading the unanswered questions and trying to make a determination on which have or have not been answered. She requested the Mayor answer the question of when the Town turned the forensic accountant's report over to the 9th Circuit Solicitor's Office and what has happened since then.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill echoed the earlier comment made by Ms. Kulick on today's Executive Session. He also noted on the comments made by residents at the PSC hearing. He was unable to attend but said the comments made were well researched and presented. Mr. McGill stated he, along with other residents, would like to hear any the legal advice given by Mr. Ellerbe on the Utility Rate Case during Executive Session. He also wondered why discussion with the Town Attorney would have to take place in Executive Session.

Mr. Wilson responded to Mrs. Kulick earlier question by stated the forensic audit report was given to the Federal Prosecutors, but did not know if it was forwarded or shared with the 9th Circuit Solicitor's Office.

Greg Bragg – 176 Marsh Island Drive

Mr. Bragg questioned if there was a time frame in which the Town would be considering or doing the beach renourishment discussed earlier.

Mayor Weaver there was no timeline due to the fact that it is very early in the conversation. He indicated at this time it is unclear if there is a need to do something and what might need to be done. Part of the recommendation made earlier was for the Town to monitor the situation in the event a conclusion for some kind of action is required or at some later time.

Mr. Bragg asked about the time frame on the permitting process.

Mayor Weaver stated the Town will be moving forward on a permit to allow sand fencing and re-vegetation and/or allow another entity to do sand fencing. Any other permits involving renourishment would involve more engineering consideration work.

Mr. Widuch made a motion to go into Executive Session to Receive Legal Advice from Frank Ellerbe, Attorney Representing the Town on the Kiawah Island Utility Rate Case, and for discussion with the Town Attorney Regarding Former Town Administrator and Former Town Treasurer. The motion was seconded by Mrs. Mezzanotte and unanimously passed.

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.

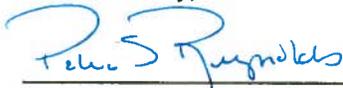
Mr. Wilson made a motion to return back to regular session. The motion was seconded by Mr. Widuch and unanimously passed.

Mr. Wilson made a motion to authorize Mayor Weaver and Mr. Ellerbe to negotiate and settle the KIU water rate case on behalf of the Town if in their judgment the terms are acceptable. The motion was seconded by Mrs. Mezzanotte and unanimously passed.

XIII. Adjournment:

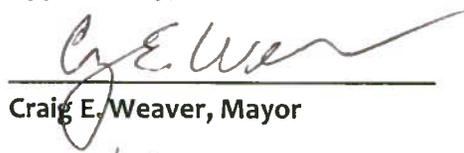
Mr. Koach motioned to adjourn the meeting at 5:05 pm. The motion was seconded by Mr. Wilson and carried unanimously.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Craig E. Weaver, Mayor

4/5/17
Date