

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

March 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 Council Strategic Planning Retreat of February 1, 2018
- B. Minutes of the Council Strategic Planning Retreat of February 2, 2018

Mr. Widuch made a motion to approve the minutes of the February 1, 2018 and February 2, 2018 Town Council Strategic Planning Retreat. The motion was seconded by Mrs. Mezzanotte and the minutes were unanimously approved.

- c. Minutes of the Town Council Meeting of February 6, 2018

Mr. Widuch made a motion to approve the minutes of the February 6, 2018 Town Council Meeting. The motion was seconded by Mr. Koach and the minutes were unanimously approved.

IV. **Mayor's Update:**

Mayor Weaver commented on the recent article in the *Island Connection* in which it reports on Kiawah Development Partner's proposal to modify Duneside Road the final plat. To set the record straight he pointed out several errors:

- The conception drawing shown with the article was not approved by the Planning Commission (the Town entity that has the authority to review and approve a plat), but rather a preliminary plat (indicating the proposed layout of a development and related information) was approved.
- The article stating the Architectural Review Board (ARB) and the Kiawah Island Community Association (KICA) has filed paperwork for a road designed to cut between Duneside Road and Beachwalker Drive is incorrect. The developer, Kiawah Partners (KP), is proposing the final plat.
- The article stating that *"The mayor's delay order puts several public meetings on the radar. The Town of Kiawah Island (TOKI) meets the first Tuesday of each month, and the planning commission meets every first Wednesday. The delay means the soonest the planning*

commission can address the issue is April 4 followed by town council review May 1.” Mayor Weaver pointed out that while it is likely, if no compromise agreement can be reached, the proposed final plat will be an agenda item for the April Planning Commission meeting, it is not correct that review of the proposed final plat by Town Council will follow. State and Town Ordinances affirm that the Planning Commission has the final ruling authority to approve or disapprove a final plat, not Town Council.

Ms. Tillerson stated that the new FEMA Flood Maps discussed at the last meeting have been received. While there is a period to submit appeals or concerns, She stated that she, along with staff, have decided that the Town would not be making a recommendation to appeal the new maps and will let them go forward as they are since they should have no negative bearing on the insurance rates of property owners.

Mayor Weaver gave a brief review of the KICA annual meeting which was held at the Municipal Center last week noting the election of new Directors, Mike Feldman and Sue Shafer along with the new Chairman and Vice Chairman.

V. Citizens' Comments (Agenda Items Only):

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick stated that in the past, prior to Town Council monthly meetings, the Mayor and Mayor Pro Tem would meet with the KICA Chairman and Vice Chairman. She asked if it has continued and if it will continue.

Mayor Weaver indicated that he will be reaching out to the new Chairman and Vice Chairman if they would like to plan to meet.

Mrs. Kulick stated that while she understands the process of the Planning Commission, but hopes that after hearing all the resident opposition, the members of Town Council would make sure members of the Planning Commission know where they stand on the proposal.

Mrs. Kulick hoped the Members of Council would vote unanimously to support being included in the South Carolina Environmental Law Project Litigation.

VI. Presentations:

A. Lowcountry Go Initiative -

Ms. Vonie Gilreath, BCDCOG Mobility Manager, gave a presentation on the implementation of the new Lowcountry Go Initiative. The Commuter Service Program is a pilot program for the state, and is a collaboration with SCDOT (South Carolina Department of Transportation), and the Federal Highway Administration.

She stated the project areas were selected due to their high volume or congestion during weekday AM and PM peak periods and focused on where 90% of individuals commute alone to

and from work. It was shown that the majority of commuters are traveling to/from Summerville, West Ashley, Mt. Pleasant.

Ms. Gilreath stated the program goals were to reduce traffic congestion and manage future traffic volumes, support sustainable programs that encourage behavior changes among commuters, and bring awareness to existing commuter services and foster relationships with large employers. She explained the working of the website, “ride and go” web app, which allows several different ways to commute that include carpools, vanpools, bike and walk to work and Carta Transit. She pointed out that the program includes a reimbursement program available for registered Ride Low Go commuters who need to need to leave work in an emergency.

Mayor Weaver inquired if the program was limited to the I-26/I-526 corridor or if it was available for other areas. He called attention to the Island’s very large employee workforce, some of which drive long distances, suggested this kind of program would be beneficial for the future. Ms. Gilreath stated that a specific but route to Kiawah had been discussed but was considered not to be cost effective at this time. Also discussed, was the future of a park-and-ride on Johns Island.

VII. **Consent Agenda:**
None

VIII. **Old Business:**
None

IX. **New Business:**
A. Approval of Charitable Contributions Funding Recommendations

Mr. Weaver stated that the next four items were reviewed and recommended for Council approval by the Ways and Means Committee.

Mr. Wilson made a motion to approve the Ways and Means recommended Charitable Contributions funding amounts. The motion was seconded by Mrs. Mezzanotte.

Town of Kiawah Island		
2018 Charitable Contribution Applications		
Organization's Name:	2018 Funding Request	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 Area Therapeutic Riding	\$ 7,076.00	\$ 7,076
Charleston RISE	\$ 10,000.00	\$ 2,000
Charleston Symphony Orchestra	\$ 15,000.00	\$ 4,500
Gilbes Museum of Art	\$ 25,000.00	\$ 5,085
Kiawah Womens Foundation	\$ 7,000.00	\$ 7,000
Lowcountry Food Bank	\$ 9,450.00	\$ 9,450
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 Habitat for Humanity	\$ 10,000.00	\$ 10,000
Sea Islands Hunger Awareness Foundation	\$ 5,000.00	\$ 3,000
Sweetgrass Garden Co-op	\$ 10,000.00	\$ 10,000
Teachers Supply Closet	\$ 11,000.00	\$ 10,000
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)

Mr. Widuch indicated the recommended funding of the Catesby Commemorative Trust was contingent on receiving additional information. Mayor Weaver indicated the information was received and still had to be reviewed. In the interim the funding amount would remain as a placeholder. Mrs. Mezzanotte made the additional recommendation to fund the Charleston Symphony in the amount of \$4,500.00 and the Gibbes Museum of Art in the amount of \$5,085.00 making a total funding amount of \$149,711.00.

Mr. Wilson amended his 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 was unanimously approved.

Mr. Wilson 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 Mrs. Mezzanotte and was unanimously approved. Mayor Weaver and Mr. Widuch recused themselves from the vote.

B. Approval of the Coastal Science and Engineering Proposal for Beach Monitoring

Mr. Wilson made a motion to approve the proposal from Coastal Science and Engineering for Beach Monitoring in the amount of \$32,500.00 annually over the next three years. The motion was seconded by Mr. Widuch and was unanimously approved.

C. Approval of the Palmetto Gunitite Proposal for Bridge Repairs

Mr. Widuch made a motion to approve the proposal from Palmetto Gunitite for Repairs to the Kiawah Island Parkway Bridge. The motion was seconded by Mrs. Mezzanotte and was unanimously approved

D. Approval of the Night Heron Park Company Franchise Agreement

Mayor Weaver explained the franchise agreement would allow the Sanctuary Hotel to provide beach chair and umbrella services to their guests in an area along the beach in front of the hotel.

Mr. Widuch made a motion to approve Night Heron Park Company Franchise Agreement. The motion was seconded by Mr. Wilson and was unanimously approved.

E. Arts & Cultural Events Council Appointments

Mrs. Mezzanotte requested the appointment of two new members, David Wohl and Gary Rice, to the Arts and Cultural Events Council.

Mrs. Mezzanotte made a motion to appoint David Wohl and Gary Rice to the Arts and Cultural Event Council. The motion was seconded by Mayor Weaver and unanimously approved

F. To Consider Town's Involvement in South Carolina Environmental Law Project Litigation

Mrs. Mezzanotte recommended the Town participate in the lawsuit with the South Carolina Environmental Law Project.

Mayor Weaver indicated there had been some discussion of the litigation in Executive Session at the last meeting and at the time no conclusion was reached. Since that time, he has reviewed the actions taken by other communities and in speaking with residents, the perception is why the Town would not participate in the lawsuit. Even though the Town has passed two resolutions in opposition to offshore oil exploration, he noted there is a difference in expressing your position and being involved in a lawsuit.

Mayor Weaver stated that if the Town did participate he would like, as Mayor, to have the authority, if the scope of the lawsuit varies from what is currently described, or if communications coming from the lawsuit were no longer consistent with what the Town thinks this group is wanting to do, to withdraw the Town from the lawsuit.

Mrs. Mezzanotte made a motion to authorize the Town's participation as a named entity in SCELPA's proposed litigation against the National Marine Fishery Service under the conditions described by Mayor Weaver. The motion was seconded by Mr. Koach.

Following discussion, Mayor Weaver called for a roll-call vote:

<i>John R. Wilson</i>	<i>No</i>
<i>Chris Widuch</i>	<i>Abstained from voting</i>
<i>Diana Mezzanotte</i>	<i>Yes</i>
<i>Jack Koach</i>	<i>Yes</i>
<i>Craig Weaver</i>	<i>Yes</i>

X. Other Business:
None

XI. Town Administrator's Report:

Ms. Tillerson reported that on March 28, 2018 at 3:00 pm in Council Chambers, The Town and the Conservancy will host Conservation Matters: Kiawah's Wild Side. Wildlife Biologists, Jim Jordan and Aaron Given will feature species to include the American alligator and marsh sparrows. Jim will discuss the Alligator GPS Project and Aaron will discuss the Marsh Sparrow Banding/GPS/Nanotag Project.

XII. Council Member:
a. Committee Updates
b. General Comments

Mr. Koach had no additional comments.

Mr. Widuch reported that the next Public Safety Committee will be vetting the option of working with the Charleston County Sheriff's Office to hire full-time deputies assigned to Kiawah and the annual renewal of the AirMedCare Helicopter Transportation Contract.

Mr. Wilson had no additional comments.

Mrs. Mezzanotte reported that the Arts and Cultural Event Council has completed its planning for the 2018/2019 Season and are finalizing the events.

Mr. Koach questioned if any steps had been taken against the former auditors for the Town at the time the former Town Administrator and Treasurer committed the fraud they have been indicted for. Mr. Green indicated discussions were held with the present and forensic auditors to provide information with regard to the filing of a claim. He indicated there is an opinion that the former auditors may be responsible for errors and omissions in failing to identify red flag items calling attention to potential fraud. He stated that he will follow-up to make sure that all necessary steps are taken to put the former auditors on notice and to move forward to filing a formal claim.

As an update of the status of the indictment of the former Town Administrator and Treasurer, Mr. Green reviewed the steps in the indictment process and indicated that the discovery period was now ongoing and was nearing the end. He stated that, by the next Council meeting, he would follow up with the State's Attorney on the next steps.

XIII. Citizens' Comments:

David Elliott – Catesby Commemorative Trust, Inc.

Mr. Elliott indicated that he forwarded the additional information Council requested on his Charitable Contribution request via email yesterday.

Mayor Weaver confirmed that the information was received.

Marilyn Larach – 1082 Terrapin Court

Ms. Larach, Vice President of the Cottage Owners Association, stated she wanted to comment on the issue being raised by Kiawah Partners to reverse a previous decision of the Planning Commission and open Duneside Road to connect it to Beachwalker Drive. She noted that the road is used by residents and guests to walk to the community pool and to access the beach. She expressed her concerns with the safety issues with opening the very narrow, curvy road with a very sharp 90-degree curve to the traffic from the large development currently being constructed.

John Connolly – 1020 Scaup Court

Mr. Connolly wanted to follow-up the concerns expressed by Ms. Larach. He echoed her horror at wanting to open this quiet, winding, dead-end, neighborhood road to all the traffic that new development in the area will bring. He pointed out that when Duneside Drive was built in the early 1970s, there was never any anticipation of this amount of traffic. Mr. Connolly also expressed his concern with the limited sightlines on the road that is used by residents walking and biking in the road, many with playing children in tow.

Jim Girardo – 1039 Warbler Court

Mr. Girardo also expressed his concern with the opening of Duneside Road. He stated opening Duneside road to all the traffic new development brings with it will turn the quiet street into another Governors Drive. He made a comparison to the dangers of having people walking in the middle of Governors Drive, and asked for consideration for the children and grandchildren that will be traveling on Duneside.

David DeStefano – 82 Burrows Hall

Mr. DeStefano stated that he has traveled on Duneside Road and noted that 15 mph is almost too fast for travel on the road even with the knowledge to use caution. He stated that the Public Works Committee has identified the potential of a righthand turn lane into the County Park to alleviate traffic on Beachwalker Drive.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill commented on filing a claim against the Town's former auditors, whose services, by his research, goes back to 2009. He stated that the present auditors should be consulted on their opinion if there are grounds for filing a suit that is sustainable.

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick commended those who have passionately spoken out on opening Duneside Road and the critical public safety and liability issues that would be raised.

Mrs. Kulick indicated she would like to ask a procedural question on the earlier discussion to participate in the SCELPL lawsuit. She stated the entire Council took a vote to join the lawsuit, and should the entire Council not have to vote to withdraw from the suit rather than the sole recommendation of one person.

Mrs. Kulick stated that at the Ways and Means Budget workshop discussion of next year's budget there was a recommendation for staff that Council consider changing the way Solid Waste is subsidized. She indicated that it was her understanding that in July those using the upgraded backdoor services would lose the subsidy. She asked for consideration that the subsidy not be changed.

Roger Warren – 39 Cotton Hall

Mr. Warren stated he appreciated the emotion and presentations made about the Duneside Road connection. He asked that, in attempt to gain a better understanding, the Mayor clarify who has the legal authority to impact this decision and what can and cannot be legally done relative to zoning and plat rights. He noted that there are some legal questions on if this action can be stopped, as a matter of right and a matter of law, and would like to have it clarified.

Mayor Weaver addressed the Duneside question by explaining where he stands on the issue and speculated on how he sees the issue moving forward over the next several weeks. He stated he was not speaking for the entire Town Council, and has tried to be clear in a number of forums that

the recommended plat that was provided as a final plat to the Planning Commission was not something he personally supported.

Mayor Weaver stated that he has read all the emails sent to him regarding the concerns over security issues and the gate and that those worries go beyond those residents in the Sparrow Pond and Duneside neighborhoods who have clearly and consistently articulated their concerns especially as they relate to public safety.

Mayor Weaver stated that he was reasonably sure members of Council, including the Town Attorney, at some point have driven to Duneside so they have a clear understanding of the concerns that have been raised. He indicated that this needs to move forward in a thoughtful way, and stated he has encouraged the developers along with Timbers, the Community Association and also encouraged the involvement of area residents, to get input and evaluate alternatives.

Mayor Weaver stated that as an answer to the question of where people should be directing their concerns and issues, he felt those should be directed to the developer and to the Community Association.

Mayor Weaver stated that ultimately this decision will come to the Planning Commission. He stated that he believes there are questions about the authority of the Planning Commission that have not been resolved but is confident in the members' ability. He will try to clarify those questions in future communications prior to the April meeting.

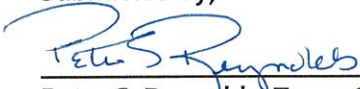
XIV. Executive Session:

None

XV. Adjournment:

Mr. Koach motioned to adjourn the meeting at 3:40 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