TOWN COUNCIL MEETING

Kiawah Island Municipal Center
Council Chambers
May 6, 2014; 2:00 PM

MINUTES

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

II. Pledge of Allegiance

III. FOIA: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

IV. Roll Call:

Present:	**Charles R. Lipuma, Mayor**
	John D. Labriola, Mayor Tempore
	Mary Q. Johnson
	Lauren D. Patch
	Richard E. Murphy
Also Present:	**Tumiko Rucker, Town Administrator**
	Dennis Rhoad, Town Attorney
	Ken Gunnells, Town Treasurer
	Petra Reynolds, Town Clerk

V. Approval of Minutes:

A. Minutes of the Town Council Meeting of April 1, 2014

Mr. Labriola motioned to approve the minutes of the April 1, 2014 Town Council Meeting. The motion was seconded by Mr. Patch and the minutes were unanimously approved as amended.

B. Minutes of the Town Council Public Hearing of April 22, 2014

Mr. Patch motioned to approve the minutes of the April 22, 2014 Town Council Meeting. The motion was seconded by Mr. Murphy and the minutes were unanimously approved.

VI. Citizens' Presentations or Comments:

Bill Blizard – 736 Virginia Rail Road

Mr. Blizard stated that he was making his request on behalf of Mr. Russ Warren, Chairman of the SATAX Committee. Mr. Blizard indicated, after reviewing the SATAX requests and allocations, Mr. Warren felt there was a need to look at the funding of the Wildlife Pocket Guide that was moved to the Arts and Cultural Events Fund. Mr. Blizard stated that it was Mr. Warren's opinion that the Pocket Guide

would be better suited to be funded out of SATAX since it is more in line with promotional guidelines than a cultural event.

VII. Old Business:

A. Second Reading of Ordinance 2014-05 - An Ordinance Providing for the Transfer of Authority For Conducting Municipal Elections to the Board of Elections and Voter Registration of Charleston County

Mr. Labriola made a motion to approve the second reading of Ordinance 2014-05 - An Ordinance Providing for the Transfer of Authority for Conducting Municipal Elections to the Board of Elections and Voter Registration of Charleston County. The motion was seconded by Mr. Patch and was unanimously approved.

B. Second Reading of Ordinance 2014-06 - An Ordinance to Amend the Fiscal Year 2013-2014 Budget for the Town of Kiawah Island, South Carolina (7/1/13 through 6/30/14)

Mr. Patch made a motion to approve the second reading of Ordinance 2014-06 - An Ordinance to amend the Fiscal Year 2013-2014 Budget for the Town of Kiawah Island, South Carolina (7/1/13 through 6/30/14). The motion was seconded by Mr. Labriola and was unanimously approved

C. Town of Kiawah Island Organizational Chart and Functions

Mayor Lipuma stated that the Organizational Chart now included the Public Works Committee.

Mr. Patch made a motion to approve the Town of Kiawah Island Organizational Chart and Functions. The motion was seconded by Mr. Labriola.

Mrs. Johnson noted that there the positions approved last year, for a receptionist/permit clerk and the assistant to the Town Treasurer, were not listed on the organizational chart.

Mr. Murphy noted that the chart did not acknowledge him as the Chairman of the Public Works Committee.

Committee members noted other corrections that needed to be made. Mayor Lipuma stated that after thorough review of the chart, it would be represented at the next Council meeting.

Mr. Patch withdrew his motion.

VIII. New Business:

A. SATAX Application Recommendations

Mayor Lipuma explained that a new budget category ***"Arts and Cultural Events"*** was created during the SATAX Committee meeting to resolve the issue of the funding salaries out of SATAX funds. He stated that funds are designated to be allocated to items that promote tourism not to include salaries. Mayor Lipuma stated that the organizations that sought SATAX funding for performances were moved to the *Arts and Cultural Events* budget category along with the Arts Council budget. He stated

that the Ways and Means Committee recommended the approval of the fund and the transfer of the applications, but also recommended there be a $300,000 cap for the budget.

Council Members discussed the new applications received this year by the SATAX Committee and the challenge of reducing the amounts requested by the transferred events to comply with the budget of *Arts and Cultural Events Fund*. Mrs. Johnson indicated that the increase in the number of SATAX requests was due to the Mayor and Mayor Pro Tem charging her with trying to recruit new events. She explained that event coordinators had already been notified that the requested amounts would have to be adjusted or the event eliminated. She endorsed Mr. Blizard's earlier request for Council to consider moving the request for the "Pocket Guide" from *Arts and Cultural Events* back to SATAX funding, allowing more funds available for the cultural events.

Mr. Patch stated that the budget cap for the *Arts and Cultural Events* category was determined by the Ways and Means Committee and he felt that it was not for Council to determine the funding amounts of individual items. He recommended using the same thinking that was utilized when selecting Charitable Contributions allocations. He noted that Charitable Contributions also had a funding cap which had to be maintained even though they were additional funding requests.

Mr. Murphy stated that he wanted to call attention to the fact that SATAX funding is not limited to the Arts Council arena and that there are items in the Public Safety arena in the early stages that can potentially compete for the SATAX funding in the future.

Ms. Rucker reminded Council that there is a very clearly defined method of how SATAX funds are to be advertised for and allocated. She encouraged Council remain mindful that as a community that receives a tremendous amount dollars via State Accommodation Taxes the process be held in tact and operated in the narrow prescribed framework to protect the Town.

Mayor Lipuma indicated that the Town had $1,150,000.00 in SATAX funding to be allocated. He stated the Ways and Means recommended the funding of the entire amount and questioned if Council agreed with their recommendations.

Mrs. Johnson indicated that she voted against the allocation of funds for the Charleston Visitors Bureau (CVB) Satellite Office in Freshfields at the Ways and Means Committee meeting even though the recommendation was passed by a 4 to 1 vote. She gave her reason for the "no" vote as that she did not see a need for a Visitors Bureau at Freshfields promoting events to people that are already here, and that the location was not acceptable. Mrs. Johnson also noted that the CVB had not been presented to Council discussion or for a vote.

Mr. Labriola stated that the discussion of individual line items in the budget should be included with the discussion of the Budget Ordinance and not with the SATAX recommendations. He suggested that Council focus on the 14/15 Budget. Mayor Lipuma acknowledged Mr. Labriola's concern and moved the discussion to the Budget Ordinance.

B. First Reading of Ordinance 2014-07 – An Ordinance to Adopt the Fiscal Year 2014 -2015 Budget for the Town of Kiawah Island, South Carolina (7/1/14 through 6/30/15)

Mr. Patch made a motion to approve the First Reading of Ordinance 2014-07 – An Ordinance to Adopt the Fiscal Year 2014 -2015 Budget for the Town of Kiawah Island, South Carolina (7/1/14 through 6/30/15) as presented. The motion was seconded by Mr. Labriola.

Mr. Labriola highlighted several key elements in the Fiscal Year 2014/2015 Budget. He stated that;

1) the excess revenues over expenses amount for the budget was $977,000.00,
2) the fund balance from the budget will be just under 16 million dollars,
3) the budget is consistent with the projections made relative to the annexing of Freshfields.

Mr. Labriola noted two items that are included in the budget;

1) there is a $200,000 placeholder in the Local Options Tax for the possible expense for a study to choose the best possible final route for the "Greenway" or now called the "Sea Island Parkway",
2) there is a $250,000 placeholder for expenses relating to the possible acquisition of the Kiawah Island Utility.

Mr. Labriola referred back to the SATAX recommendations discussion and explained that monies were moved around from the General Fund and other funds to the Arts and Cultural Events fund. He indicated that the fund was created in order to provide compliance with State guidelines, to maximize the amount of the reimbursement to the Town and to provide recognition of Arts and Cultural events. He stated that, along with the Arts Council events, the applications that were not funded through SATAX were moved to an Arts and Cultural Events for possible funding. Mr. Labriola stated that the Arts Council had been charged with the task of reviewing the applications and coming back to the Ways and Means Committee with recommendations as how to adjusted the SATAX requests to fall within the $300,000.00 budget. Mrs. Johnson suggested that the budget be raised to $320,000 to accommodate the expenditure for the Pocket Guide. Mr. Labriola stated that he felt that the budget was sound and did not suggest changes at this point. He advised that when the Arts Council made their recommendations for expenditure of the $300,000, if the Pocket Guide was not funded then Council would address the issue of reallocating funding.

Mayor Lipuma called the question on the motion of the approval of the FY 2014/2015 Budget as recommended by the Ways and Means Committee. The motion was passed by a unanimous vote.

Mayor Lipuma stated that the required Public Hearing for the Budget is scheduled for May 27, 2014 at 1:30, preceding the Ways and Means Committee Meeting.

C. Construction Board of Appeals Appointments

Mr. Patch stated that when the Town passed the Ordinance for Permitting and Inspections, it called for a Construction Board of Appeals. He indicated that this gave the opportunity for a contractor to challenge a code ruling made by the inspectors and bring the appeal to the Board of Appeals.

Mr. Patch stated that Council had previously approved the Chairman of the Board, Mr. Brooks Fullerton and Mr. Tom Walkley as the Builder. He stated that the Ordinance required the additional approval of a plumber, electrician and a fired department official to complete the Board.

Mr. Patch made a motion to nominated Mr. Steve Sager, a retired electrician, Mr. Marshall Beverly of Beverly Plumbing, and Chief James Ghi, fire inspector with the St. Johns Fire District to be appointed to complete the Construction Board of Appeals. The motion was seconded by Mayor Lipuma and was unanimously passed.

D. Review of the Completed Comprehensive Emergency Operations Plan

Mayor Lipuma reported that the Comprehensive Emergency Operations Plan had been completed. He reviewed the Executive Summary, and discussed with members the scheduled dates for plan review and Council training.

Mr. Murphy stated that the final draft of the Emergency Plan inclusive of the Committee's recommendations had been completed and would be distributed to Council for their review. He noted that the proposed schedule attached to the Executive Summary may have to be adjusted to accommodate Council.

Mr. Murphy stated that the completed plan encompassed over one hundred hours of work and included the four previously discussed components in greater detail. He stated that following the work secession the plan would be revised and represented to Council for approval at the June 3rd Town Council Meeting followed by Council training.

Mr. Murphy thanked all the members of the Committee, and Mr. Scott Cave with Atlantic Business Continuity, for the inordinate amount of time that was spent on the completion of the Plan. He also thanked all the agencies for their participation to intertwine their individual plan into one compressive plan.

Mr. Scott Cave noted that work on the comprehensive document included over thirty meetings and fourteen of the Island's entities and agencies to coordinate and integrate their individual emergency operations. He noted that the document included approximately one hundred pages of text and an additional one hundred pages of appendixes.

Mr. Labriola questioned if there was any way to assure that changes have been made to plans so as to conform to the presented document. Mr. Cave responded by stating that the two Committees; the Emergency Preparedness Committee, comprised of members of all the different entities/agencies to coordinate and a Disaster Preparedness Sub-Committee comprised of Town officials and staff charges with keeping the plan live. He also stated that the plan recommended a Memorandum of Understanding be signed between the Town and the entities/agencies to delineate specific responsibilities.

E. Council Feedback Regarding St. John's Fire District

Mr. Murphy reported that on April 11th he and Ms. Rucker met with Chief Walz and Chief Stanley of the St. Johns Fire District. He stated that the intent of the meeting was to reset the Town's relationship with the District and make sure it was on a solid foundation. Mr. Murphy stated that everyone agreed that things could be done to improve the relationship and decided that each organization would present the other a short list of three or four items; what do you want from the

Town and what is unacceptable from the District's viewpoint. He stated that the Town would ask the same two questions of the Fire District.

Mr. Murphy stated that he agreed to put the questions before the Town Council at the May meeting and provide the Chief with Council's feedback. He stated that the Chief agreed that the District would do the same thing with the Commissioners.

Mr. Murphy requested that each member of Council provide three or four wants and dislikes for each question for discussion and consolidation so that they can be presented to the District. He stated that the hope is that the discussion would create some common ground to work from.

IX. Committee Reports:

Mr. Murphy reported that there is a ***Public Safety Committee Meeting*** scheduled for May 14th at 2:00 pm.

Mr. Labriola reported that at the last ***Environmental Committee Meeting***, Mr. Jordan updated the Committee on the progress made on the recommendations, relative to the coyote issue, made at the previous Committee meeting. (Monitoring, research and protecting turtle nests) Mr. Jordan reported that he had been able to trap, collar and is now monitor the movements of a coyote on the Island. Mr. Labriola noted that there had been a dramatic decreased of coyote sighting in the last year.

Mr. Labriola stated that Mr. Jordan and Mr. Given developed a form to be used by the Turtle Patrol to record information when there is a depredation of a turtle nest to help gather information and develop a better understanding of the depredation.

Mrs. Johnson reported that the 2013-2014 ***Arts Council*** programs ended this past Sunday with the Piccolo Preview event. She stated that this was the first program created by Scott Watson and was probably the best one Kiawah have ever had. Mrs. Johnson stated that Mr. Watson presented the program it in a Piccolo preview format tying everything back to the upcoming festival schedule. She stated that there was a classical component, an "in-between" jazz & classical component, and a jazz component that created a very nice program.

Mrs. Johnson reported that the first ever Piccolo event on Kiawah will be May 28th at the River Club. Tickets are $10 and can be purchased on the Piccolo website.

Mrs. Johnson stated that the ***Arts Council*** is working out details and logistical challenges for the next year ***Arts Council*** program and for the Cultural Arts events.

Mrs. Johnson reported that the Mayor directed the ***Communications Committee*** to propose a new, expanded Town Notes format and will begin with a post-modern deconstructionist's point of view to deconstruct the present in order to flow into the future. She stated that the ***Communications Committee*** will review all modes of communication to the community - looking at print editions, electronic communication, activity centers, websites, and social media. The Committee will also review whom it goes - residents, property owners, renters, tourists, Cassique, Club members only, and/or Freshfields.

Mrs. Johnson stated that the Committee will also be looking at what information is being provided and then later where the Town fits.

Mr. Patch reported that the ***Planning Commission*** with meet on May 7th to discuss dock issues on the Island and another Preliminary Plat for the continuing development of Cougar Island/Ocean Park.

Mr. Patch reported that there will be a ***BZA*** meeting on May 19th with one variance on the agenda.

X. Town Administrator's Report:

Ms. Rucker reminded everyone that Disaster Awareness Day was scheduled for June 12th starting at 10:00 am at the Sandcastle.

Ms. Rucker reported that work is ongoing for other upcoming events including Volunteer Appreciation Day.

Ms. Rucker reported that she has been working with Mr. Patch in meeting with SAFEbuilt to renegotiation the terms if the existing contract agreement. She stated that there will be a proposed amendment presented at the May 27th Ways and Means Committee Meeting.

Ms. Rucker reported that the Town received quality responses to the RFP for emergency services from five National firms. She stated that staff will be reviewing the responses and bringing forth recommendations to the May 27nd Ways and Means Committee Meeting.

Ms. Rucker thanked the new chairman for the Seabrook Island Public Safety Committee. She stated that he was instrumental in getting the Town of Seabrook to contribute $1,500.00 to the Disaster Awareness Day event this year.

Ms. Rucker reported that she had been notified by residents on the Island, particularly in the Blue Heron Pond neighborhood, have noticed increased traffic issues. She stated that she had been working closely with the Charleston County Sheriff's Department Deputies to monitor and setup specific patrols for that area. She tanks the Deputies for their vigilance in to resolve the issue.

XI. Mayors Report:

Mayor Lipuma reported that the Town had been advised by the Cassique Property Owners that they respectfully passed on being annexed into the Town of Kiawah Island. He stated that the Town made it clear that should they change their decision in the future, the Town would be pleased to reengage with them.

Mayor Lipuma commented on the bridge joints by stating that the joints seemed to be holding but are still bumpy. He stated that he was willing to give until the fall for the addition time for the joint material to level out.

Mayor Lipuma reported that even though Folly Beach County Park was operational, it seemed that Beachwalker County Park was getting a quite a few visitors coming in to enjoy the park. He stated that

the Town was working the park's commission to take particular care not to create a nuisance with traffic backing up, people running around in the street and blocking the entrance to Inlet Cove.

Mr. Labriola stated that it had been called to the attention of the Environmental Committee that dogs running loose on the beach has become an issue. Mr. Labriola stated that he requested Mr. Jordan to complete a survey of the beach in the Beachwalker Park area. He noted that it seems that the Town has the most lenient dog leash policy and that the Committee will have to address this issue.

Mayor Lipuma acknowledged that the Town had a dedication plaque prepared to commemorate the annexation of Freshfields Village. It will be hung in the portico outside Town Hall. He indicated that a presentation was held before the Town Council meeting to dedicate the event.

XII. Correspondence:

A. Charleston County Greenbelt Program

Ms. Rucker explained that and annual inspection was part of the agreement for the funding of the Town's Greenbelt Project. She stated that the letter from Charleston County verified that the annual inspection had been completed and that the project areas were in good condition and consistent with the Greenbelt Guidelines.

XIII. Citizen Comments:

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick indicated that in a previous meeting, Mr. Roger Warren questioned subsequent to the State passing legislation allowing concealed weapons to be carried in public places, if the Town would display signage indicating that concealed weapons were not allowed on the Island or if the Resort would be responsible to display is own. Mrs. Kulick stated that at the time research had to be conducted and asked if there was an update or outcome. She stated that she was very concerned with this issue.

Ms. Rucker responded by stating that the issue was addressed during Emergency Planning meetings. She indicated the Town had received the specific State requirements for size and letter height for signs to be displayed.

Marilyn Larach – 1082 Terrapin Court

Mrs. Larach questioned if concealed weapons would be allowed on the beach, along with alcohol and the dogs running free. Mr. Rhoad stated that he would research the state statute for the legality of placing a concealed weapons restriction in a public area such as the County Park.

XIV. Council Member Comments:

Mr. Labriola stated that, in the mayor's absence, he was requested to attend the April St. John's Fire Commission meeting along with Ms. Rucker. He stated that it gave him a chance to meet and speak to the entire John's Island Fire Commission. Mr. Labriola indicated that the purpose of the request was to ask questions relative to the Town's Emergency Services RFP. The Fire District had also sent out an RFP and

requested an explanation of the history and originals of the discussion at the January Town Council meeting and rational of Council when determining the need for the RFP.

Mr. Labriola motioned to discuss a contractual matter related to the acquisition of the Kiawah Island Utility and to receive legal advice on the same and to discuss the acquisition of real property and to receive legal advice on the same. The motion was seconded by Mr. Murphy, and motion carried unanimously.

XV. Executive Session:

A. To discuss a contractual matter related to the acquisition of the KIU and to receive legal advice on the same.
B. To discuss the acquisition of real property and to receive legal advice on the same.

Returning from executive session, Mayor Lipuma stated that no decisions were made and no votes were taken.

XVI. Adjournment:

Mr. Labriola motioned to adjourn the meeting at 4:50 pm. The motion was seconded by Mr. Murphy and carried unanimously.

Submitted by,

Petra S. Reynolds

Petra S. Reynolds, Town Clerk

Approved by,

Charles R Lipuma

Charles R. Lipuma, Mayor

06/04/14

Date