

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

December 1, 2015; 2:00 PM

Minutes

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

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 Pro-Tempore
Mary Q. Johnson
John Wilson
Craig Weaver

Also Present: Stephanie Monroe Tillerson, Town Administrator
Dennis Rhoad, Town Attorney
Petra Reynolds, Town Clerk

V. **Approval of Minutes:**

A. Town Council Meeting of October 6, 2015

Mr. Labriola motioned to approve the minutes of the October 6, 2015 Town Council Meeting. The motion was seconded by Mr. Wilson and the minutes were unanimously passed.

B. Town Council Meeting of November 3, 2015

Mr. Weaver motioned to approve the minutes of the November 3, 2015 Town Council Meeting. The motion was seconded by Mr. Wilson and the minutes were unanimously passed.

VI. **Citizens' Comments:**

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick noted the Executive Session item to discuss the lease with the Community Association and questioned what there is in the lease that would require legal advice and discussion in Executive Session.

Mrs. Kulick questioned when the report for the FY 2012 Forensic Audit be made public. She also questioned the status of the case against the former Town Administrator and Treasurer. Mr. Kulick stated that in the wake of the discovery of incorrect accounting in the past if the Town had any plans to return the accounting awards which were to the Town over the years.

Mr. Rhoad stated two to four weeks ago he spoke to Assistant US Attorney, Rhett DeHart, and FBI Agent, Rob Derr, investigating the case to give them the contact information for Mr. Livingston, the forensic accountant and had not any further contact. He also indicated the FY 2012 Forensic Audit Report should be completed very soon. He stated it will be made available for public inspection and will be forwarded to the investigators.

Mr. Rhoad explained the full enforceability of all the provisions of the Community Association lease will be discussed in today's Executive Session.

VII. Old Business:

None

VIII. New Business:

A. First Reading of ORDINANCE 2015-08 - An Ordinance for the Town of Kiawah Island to Amend the Town of Kiawah Island's Comprehensive Plan

Mayor Lipuma stated ORDINANCE 2015-08 had the required Public Hearing on November 24th without comment from the public. He noted there were some questions asked relative to accessibility to the document, which were answered.

Mayor Lipuma reviewed the State requirement for the Comprehensive Plan to be updated every five years and indicated the completion of this year's Comprehensive Plan was the required ten year re-write.

Mayor Lipuma thanked members of the Planning Commission Comprehensive Plan Subcommittee;

Dan Prickett, Chairman of Subcommittee, Vice-Chairman of Planning Commission

Bill Dowdy, Planning Commission

Dan Pennick, Charleston County Planning Staff

Jennifer Working, Charleston County Planning Staff

Joel Evans, Charleston County Planning Staff

He also thanked Mr. Peterson, Chairman of the Planning Commission, and its members for their efforts in the well written text.

Mr. Wilson made a motion to approve the first reading of ORDINANCE 2015-08 - An Ordinance for the Town of Kiawah Island to Amend the Town of Kiawah Island's Comprehensive Plan. The motion was seconded by Mrs. Johnson and was unanimously passed.

Mayor Lipuma stated the second reading of the ordinance will be on Tuesday, December 8th at 2:00 pm.

B. 2016 Holiday Schedule

Ms. Tillerson presented the 2016 Holiday Schedule of 11 holidays that included nine Town closing and two personal floating holidays. She asked for Council's consideration in changing

the schedule to eliminate closing for the January, Dr. Martin Luther King Day or the February, President's Day to allow closing for the Friday following Thanksgiving Day.

Mayor Lipuma made a motion to accept and approve the recommendation of Ms. Tillerson to amended 2016 Holiday Closing Schedule to eliminate the Monday, January 18th, Martin Luther King Day Holiday and include Friday following Thanksgiving. The motion was seconded by Mr. Wilson and was unanimously approved.

C. 2016 Meeting Schedule

Mr. Labriola motioned to accept and approve the amended 2016 Meeting Schedule Dates. The motion was seconded by Mrs. Johnson and was unanimously approved.

D. Audit Committee Appointment

Mr. Wilson made a motion to nominate Roland Hoffman be appointed as a member of the Audit Committee. The motion was seconded by Mayor Lipuma and was unanimously approved.

E. Preparation of CAFR by Greene Finney & Horton

Mr. Wilson stated the Town's Comprehensive Annual Financial Report (CAFR) is the statistical section included with the audited financial statement and includes historical and comparative information. He stated with the hiring of a new Treasurer and the amount of work that the CAFR requires it was recommended by the Ways and Means Committee to engage the auditors to complete it.

Mr. Wilson made a motion to accept the proposal from Greene Finney & Horton of \$4,900.00 for preparation of the Town's CAFR. The motion was seconded by Mrs. Johnson.

Following further discussion the motion was unanimously approved.

IX. **Committee Reports:**

Mr. Wilson reported the Audit Committee held its first meeting yesterday with staff and the three outside auditors which are now completing the onsite work. He indicated while items are still being located for the auditors it is expected they will have completed their work in a week. He noted that another Audit Committee meeting with the auditors and staff is expected to be scheduled in the coming weeks. An exit meeting for Committee member and Council will be scheduled at the completion of the financial statements and include their opinion of the statement, control adequacy findings and best practice recommendations.

Mr. Wilson stated as part of the financial statement submitted to the State the Town is required to submit a formal response to the auditors' findings. Because of the time constraint the Town will file for a 30 day extension with the state in order to make sure that a thorough review of the finding and the response can be completed.

Mr. Labriola reported at the last *Municipal Center Committee (MCC)* meeting a motion was made to direct staff to proceed with the Prequalification Process for the General Contractor selection. He stated the Request for Qualifications (RFQ) was advertised in the state and local newspapers and on the internet. The Town received nine submissions before the November 30th deadline which was forwarded to the MCC members for their review.

Mr. Labriola indicated there will be a meeting on December 11th at 4:00 pm where the architect, LS3P, will be presenting to the community, the design and function of the building. He noted there will be another presentation on January 12th at 4:00pm. He also noted some other key dates of;

- Provide Bid Documents to prequalified General Contractors January 12, 2016
- Receive bids from prequalified General Contractors February 16, 2016

Mr. Labriola indicated the search was on for residents with any kind of experience with construction management to volunteer to serve as a project manager.

Mrs. Johnson reviewed events presented by the *Arts and Cultural Committee* that took place in November;

- Pianist Haochen Zhang a Van Cliburn award winner pianist
- Freddie Cole Quartet Nat King Cole's brother, both of whom played on a Steinway piano. We had a surprise guest artist, Rene Marie, who sang with Freddy Cole a number they will do during Spoleto.
- Charleston Symphony Orchestra performing at East Beach for the first time instead of under a tent as in previous concerts

Mrs. Johnson stated December will bring the College of Charleston, Madrigal Singers and Feast on December 6th at the River Course Clubhouse and the Burning River Brass on December 17th at Holy Spirit Catholic Church.

Mrs. Johnson stated there is an *Environmental Committee* meeting scheduled for January 12, 2016. She reported;

- The Town participated with the Conservancy on the alligator research. Year one has completed with capturing 35 alligators. Eggs were retrieved from one nest, hatched in the lab and returned to the mother with success.
- The Town also participated with the Conservancy on a turtle film which has been completed. It is available for viewing on the Conservancy's website.
- The Conservancy held a turtle symposium where this film was shown and a film produced in the 1970s. The students who produced the film, now grown men, were at the symposium to speak of the experience and to show the film. She stated that it was an excellent event.
- Fall bird banding operated from September through November by Aaron Givens and interns. 7,120 birds were banded on Captain Sam's and Little Bear Island.
- Marsh sparrow banding will take place December through April. Volunteers are needed.
- Sea Islands Christmas bird count is scheduled for January 4 2016. Volunteers are needed.

X. Town Administrator's Report:

Ms. Tillerson reported the website redesign Request for Proposals (RFP) was released today. She also reported that Permit Clerk, Sharon Johnson, received a compliment by the Contractor Aqua Blue Pools for providing exceptional professional permitting services for the Town.

XI. Mayors Report:

Mayor Lipuma reviewed his Thanksgiving list of things he was thankful for;

- New Administrator
- New Treasurer
- New Audit Firm of Greene Finney & Horton
- New Payroll provider, ADP
- New Financials Controls
- Audit Committee
- A Number Other Activities Underway
 - Review of the Employee Manual
 - HR Committee Recommendation
 - Updated FOIA Request Procedure

Mayor Lipuma stated that as the Town gets closer to receiving bids for the construction of the New Municipal Center, he would like to make a call for volunteers from the Community to serve on a Construction Committee. He also noted a project manger would be required to oversee the project and may require an engagement of a professional firm for onsite management.

XII. Correspondence:

None

XIII. Citizen Comments:

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill stated he spoke extensively at the Ways and Means Committee on his perceived overpayment of salaried employees which he followed-up with letters and calculation attachments. He asked if based on the submissions if the Dixon, Hughes, Goodman or if Council will consider extending the forensic audit back to at lease 2011.

Mr. McGill called attention to the four employees that were identified in the forensic audit as having received overpayments. He noted that he was in receipt of three repayment agreements but had not yet received the fourth.

XIV. Council Member Comments:

None

Mayor Lipuma made a motion to move into Executive Session to discuss a personnel matter of employment, disposition of accrued employee benefits, appointment, compensation,

promotion, demotion, discipline or release of an employee by a public body, to receive a status report and legal advice on the claims process regarding loss of public monies as set forth in the Forensic Accounting Report, and to seek legal advice on Kiawah Island Community Association lease. The motion was seconded by Mr. Labriola and was unanimously passed.

XV. Executive Session:

- A. To discuss a personnel matter of employment, disposition of accrued employee benefits, appointment, compensation, promotion, demotion, discipline or release of an employee by a public body.
- B. To receive a status report and legal advice on the claims process regarding loss of public monies as set forth in the Forensic Accounting Report
- C. Seek legal advice on Kiawah Island Community Association lease


Mayor Lipuma made a motion to move from Executive Session back to Regular Session. The Motion was seconded by Mr. Labriola and was unanimously passed.

Upon returning from Executive Session, Mayor Lipuma stated that no votes were taken, and no decisions were made or actions taken that would bind the town to a particular course of action.


XVI. Adjournment:

Mrs. Johnson motioned to adjourn the meeting at 5:26 pm. The motion was seconded by Mr. Weaver and carried unanimously.

Submitted by,


Petra S. Reynolds, Town Clerk

Approved by,


Charles R. Lipuma, Mayor

01/07/16
Date