

TOWN COUNCIL MEETING
Kiawah Island Municipal Center
Council Chambers
September 6, 2016; 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
Dorota Szubert, Town Treasurer
Dennis Rhoad, Town Attorney
Petra Reynolds, Town Clerk

V. **Approval of Minutes:**

A. Minutes of the Town Council Public Hearing of August 2, 2016

Mr. Weaver made a motion to approve the minutes of the August 2, 2016 Town Council Pubic Hearing. The motion was seconded by Mr. Wilson and the minutes were unanimously passed.

B. Minutes of the Town Council Meeting of August 2, 2016

Mrs. Johnson made a motion to approve the minutes of the August 2, 2016 Town Council Meeting. The motion was seconded by Mr. Wilson and the minutes were unanimously passed as amended.

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

Andy Capelli – 160 Governors Drive

Mr. Capelli stated he felt action on the approval of the rezoning amendment ordinances for the Town Hall property should be deferred. He indicated:

1. The text of any amendments has to be approved the Planning Commission, the County Planning Department, and the Town's Attorney. The draft text does not contain the ordinance changes therefore; Council cannot approve what it has not seen.
2. The zoning category presented is inconsistent with the recommendation of the Planning Commission by assigning two zoning categories to one piece of property.
3. The draft ordinance does not included the specific items which will be permitted and not-permitted uses of the property to be reviewed.

Mr. Capelli stated that until the text is approved by Planning Commission, the County Planning, and the Town's Attorney he felt it would not be in the best interest of Town Council to approve what it has not seen.

Ms. Tillerson stated the text to be amended was provided to the Planning Commission in their packages for their meeting and to Council in the agenda books for the first reading at last month's Council meeting. She added County Planning staff reviewed all changes which were made to the text.

Council discussed the legality of not having the text amendment included with the ordinance for the second reading. Mr. Rhoad stated legally, if there are no changes from the first reading to the second, the text is not required but stated it would be a good practice to include all documentation especially when there is a split vote.

Mr. Capelli called attention to the document prepared by Town staff which was included at the last Town Council meeting which shows R-3 as a permitted use, entirely as a use and in one statement, not by permitted uses, identifying the uses of that category, but assigning a zoning category for permitted use not consistent with the Town Ordinances and the drafting of the Ordinances. Council, Planning Commission and County Planning did not review that document specifically. He stated the document was handed out at the meeting and never discussed.

Ms. Tillerson stated the document was a request from a Councilmember to prepare a comparison of the permitted uses allowed under the current zoning and the permitted uses which would be allowed under the new proposed zoning change.

Denise Klizek – 86 Belmead Hall, Inlet Cover Regime Board Member

Mrs. Klizek stated her comment was on the proposed zoning change for the Beachwalker Drive property (Church property) which will have its first reading today. The majority of the membership of the Inlet Cover Regime Board Member does not support the rezoning. There are concerns with the density and overdevelopment of the area with new developments planned and the effect they will have on an already congested Beachwalker Drive. She stated Council has a responsibility to the residents of Inlet Cove and the Island to set a precedence to not increase the traffic traveling on Beachwalker Drive. She and the Board Membership requested Council vote for property to be left as natural habitat.

Mayor Lipuma responded to Ms. Klizek's concerns by stating there were two considerations, what the area is zoned for and how it is developed. Development is designated by contractual right as stated in the Development Agreement and therefore future development along Beachwalker Drive will continue and with it will bring additional traffic.

Mayor Lipuma indicated it was the County Park which generated a tremendous amount of traffic along Beachwalker Drive. He added there was approximately 75 years still remaining on an agreement made many years ago with Charleston County which required Kiawah to provide for a County Park. He stated the Town has made numerous attempts to control the ever-increasing traffic with extra measures added every year.

VII. Presentations:

A. Presentation of Turtle Video from Kiawah Island Conservancy

Ms. Donna Windham, Director of the Kiawah Island Conservancy, presented the Turtle Video which was released last year as an educational opportunity for the community. She stated the video has been viewed more than 1,200 times on the Conservancy's email system and is also on many social media platforms.

B. Update on Conservancy's Pathway Project

Mr. Dick Fishburn, Chairman of the Habitat Committee, spoke on the Conservancy's *Naturally Kiawah Pathways*. He stated the Town participated by providing a grant to help in the development of the program as an application. He explained the *Pathways* program as biking and/or walking self-guided tours across the Island. Downloading an App to a mobile device will activate an audio narration and photographs about points of interest identified as you approach each of the locations along the tour. Mr. Fishburn noted there are six tours that are currently active with one still under development with brochures having been sent to residents and visitor outlets.

VIII. Old Business:

A. Ordinance 2016-04 - An Ordinance to Amend the Text of Chapter 12, Land Use and Zoning of the Town of Kiawah Island, South Carolina Zoning Ordinance, by Amending Article II, Division 2, Zoning Map/Districts by Adding a New Zoning Classification CS-2, Community Support 2 and its Definition; and Amending Section 12-102 by Adding the New Zoning Classification (CS-2) to Table 3A Authorized Uses in Zoning Districts, of the Zoning Ordinance of the Town of Kiawah Island, South Carolina – Second Reading

Mr. Labriola made a motion to approve the second reading Ordinance 2016-04 and accept staff recommendation to Amend the Text of Chapter 12, Land Use and Zoning of the Town of Kiawah Island, South Carolina Zoning Ordinance, by Amending Article II, Division 2, Zoning Map/Districts by Adding a New Zoning Classification CS-2, Community Support 2 and its Definition; and Amending Section 12-102 by Adding the New Zoning Classification (CS-2) to Table 3A Authorized Uses in Zoning Districts, of the Zoning Ordinance of the Town of Kiawah Island with the inclusion of R-3. The motion was seconded by Mrs. Johnson.

Mr. Wilson stated there was an in-depth discussion at the last Town Council meeting but was still concerned over the R-3 zoning for property that in his opinion should remain Community Support. Mr. Wilson, in attempt to accomplish both objectives, made the suggestion to keep the R-3 in the rezoning with the stipulation in which the R-3 portion of the zoning is removed if the Community Association sells the property. He stated if sold, it would also allow the Town the opportunity to negotiate the terms of the zoning with a developer. He felt that if the Community Association developed the property, their covenants would require a referendum with the voting membership deciding the development. He requested Council consider the modification.

Mr. Weaver stated the issues was the inclusion of R-3 in the rezoning. He indicated the Planning Commission voted against the inclusion of R-3, area residents have also spoken against the inclusion of the R-3 and he could not find any area in the sales agreement in which the

Community Association suggested, indicated, or requested the zoning change to R-3 only to allow them to pursue the stated intended uses which was for the use of the membership not for sale or development. He also called attention to the misconception that sale of the property is contingent on rezoning to R-3 and can be requested by the Community Association at a later time if the circumstances merit it.

Mr. Labriola called attention to the property on Beachwalker Drive owned by the National Charitable Foundation whose application to change the zoning to R-3/Commercial was approved by the Planning Commission by a vote of 4 to 0. He stated the substantive difference is that these are unknown private entities who will presumptively sell the property to the developer. He stressed that the very public sales agreement with the Community Association had everything to do with the lease now in place. The zoning change not supported by the Planning Commission. The debate that followed had to do with the business deal and the proposed value of the property. With the willingness to change the zoning of the other property to a similar designation, Mr. Labriola indicated he did not feel there was any reason the change the proposed zoning designation.

Mrs. Johnson questioned if the necessity to change the zoning to the CS-2 category, which includes R-3, was for the Community Association to conduct business and occupy the building solely without Town government. Ms. Tillerson clarified the Community Association could occupy the building as a nonconforming use but could not expand the footprint without the zoning changes. Mr. Weaver stated the zoning change requested was for a change consistent with the intended use, what was done is a category was created for the zoning change and the R-3 designation was added to the category.

Mayor Lipuma stated the Planning Commission supported the CS-2 category; they did not support the R-3 element as a permitted use being added. He called attention the recent Planning Commission support of the rezoning to the R-3/Commercial designation of the Church property and indicated difficulty understanding why they would not support the same designation for the Community Association of which they are all members. He stated that had the lease not been in place that provided the Community Association, in 2017, thirty years of free rent he would have, on behalf of the Town, supported the same zoning change and sale of the property at a significantly higher price.

Mayor Lipuma called the question to approve the second reading of Ordinance 2016-04,

Wilson	No
Labriola	Yes
Johnson	Yes
Weaver	No
Mayor	Yes

Motion passed by 3-2 vote with Mr. Weaver and Mr. Wilson voting no.

- B. Ordinance 2016-05** – An Ordinance to amend Article 12, Section 12-62, Zoning Map, the Municipal Code of the Town of Kiawah Island so as to adopt a Land Use Community Support-2 District (CS-2) – **Second Reading**

Mr. Labriola made motion to approve the first reading Ordinance 2016-05 to amend Article 12, Section 12-62, Zoning Map, the Municipal Code of the Town of Kiawah Island so as to adopt a Land Use Community Support-2 District (CS-2). The motion was seconded by Mrs. Johnson.

Following discussion Mayor Lipuma called the question to approve the second reading Ordinance 2016-05,

Weaver	No
Johnson	Yes
Labriola	Yes
Wilson	No
Mayor	Yes

Motion passed by 3-2 vote with Mr. Weaver and Mr. Wilson voted no.

IX. New Business:

A. Ordinance 2016-06 - An Ordinance to Provide for the Issuance and Sale of a not Exceeding Three Million Dollars (\$3,000,000) Town of Kiawah Island, South Carolina, General Obligation Bond, Series 2016; To Prescribe the Purposes for Which the Proceeds Shall be Expended; To Provide for the Payment Thereof; and Other Matters Relating Thereto. – First Reading

Mayor Lipuma stated an RFP (Request for Proposals) for financing was sent out by the Town. Four proposals were received by the Town:

- Bank of South Carolina submitting a 1.34% rate
- Wells Fargo submitting a 2.15% rate
- SunTrust submitting a 2.63% rate
- South State Bank submitting a 1.8% rate

Mayor Lipuma made a motion to approve the first reading of a bond Ordinance 2016-06 for the Bank of South Carolina at a rate of 1.34% for a term of nine years in the amount not to exceed three million dollars. The motion was seconded by Mr. Labriola.

Mr. Weaver suggested a review to the paperwork submitted by the Bank of South Carolina which implies a property tax would be put in place. Mr. Jeremy Cook, Bond Attorney with Haynsworth Sinkler Boyd, clarified that a property tax was not a requirement but the language is included so that a property tax could be levied if it were to require it for repayment of the loan.

Mr. Labriola explained that during the bonding process it was discovered there was omission of notice and a need to rebid the financing. The RFP was updated, property advertised and also sent to a list of banks. He stated that cost savings in interest when compared to the earlier offer by Wells Fargo will be \$135,000.00 over the course of the loan. Mr. Wilson also noted there would not be any covenants or penalty for early repayment.

After further discussion the motion was unanimously passed.

B. Ordinance 2016-07 – An Ordinance to Amend the Zoning District Map from CS to R-3/C – First Reading

Mayor Lipuma stated the request was the rezoning of the parcel at 1.93 acres located at 9 Beachwalker Drive from CS – Community Support to R-3/Commercial.

Mr. John Taylor, with Charleston County Zoning and Planning, reviewed the case information on the application from the National Christian Charitable Foundation, Inc. to rezone the property at 9 Beachwalker Drive. The applicant requested to amend the zoning district map for the subject property from the CS, Community Support Zoning District, to the R-3/C, Residential/Commercial Zoning District, and to amend the Town of Kiawah Island Comprehensive Plan Map IX.2, Future Land Use, to change the future land use designation for the subject property from “Civic and Institutional” to “Mixed Use (Residential Commercial).”

Ms. Tillerson stated surrounding properties are zoned R-3/Commercial or R-2/Commercial thereby the request would be consistent in the proposed use.

Mr. Labriola clarified that it was County staff’s assessment and recommendation to support the requested zoning change which was presented to the Planning Commission. Mayor Lipuma added the Planning Commission approved the request by a 4 to 0 vote.

Mr. Labriola made a motion to approve the first reading of Ordinance 2016-07 to amend the Zoning District Map from CS to R-3/C. The motion was seconded by Mr. Wilson and unanimously passed.

C. Ordinance 2016-08 - An Ordinance to Amend the Comprehensive Plan Map – First Reading

Mr. Labriola made a motion to approve the first reading of Ordinance 2016-08 to amend the Comprehensive Plan Map. The motion was seconded by Mayor Lipuma and unanimously passed.

D. Selection of Janitorial Services Contractor

Ms. Tillerson stated the Town has the current contract for Janitorial Services with Perkins Cleaning Services. The five-year contract which included an initial three years and two, one-year extensions would be expiring at the end of October. An RFP was prepared by staff outlining a scope of work, and was advertised, and sent to six perspective local companies. Three responses were received with Pelican Services submitting the lowest bid at \$540.00 per month.

Pelican Cleaning Services	\$ 520.00 monthly
Jan-Pro Cleaning Systems	\$1795.00 monthly
Perkins Cleaning Services	\$1992.81 monthly

She stated the recommendation of the Ways and Means Committee is the contract be awarded to Pelican Cleaning Services for the remaining time The Town occupies this building and amend said contract when the new building is completed.

Mayor Lipuma made a motion to approve the proposal from Pelican Cleaning to provide the cleaning services for the current Town Hall in the amount of \$520.00 monthly in an open-ended contract expiring when Town moves to its new facility. The motion was seconded by Mr. Labriola and unanimously approved.

X. Committee Reports:

Mr. Wilson reported on the *Audit Committee* meeting held earlier today at which Mrs. Szubert and the outside auditors presented the draft of the FY 2015/2016 annual audit. He stated it was noted that the Town's pension liability had gone up considerably and will continue due to the State overestimating its returns on state pensions.

Mr. Wilson stated the Town received a clean opinion and no significant control issues were raised. The only two issues were the completion of the Financial Controls Manual and the suggestion of a formal document that lays out the Town's risk assessment and risk areas and the Town efforts to mitigate those risks, Mrs. Szubert is working on both. He stated there will be a presentation made by the auditors at the October Town Council Meeting.

Mr. Labriola reported on the new *Municipal Center* construction by stating the scheduled pouring of the slab by August 25th was delayed until next week on September 13th through 15th. The framing of the perimeter was also being delayed by two weeks but no changes have been made to completion of the project.

Mr. Labriola stated a change order was presented and approved by both the Municipal Center Committee and the Ways and Means Committee. The change order for \$35,000.00 was for the water tap to the main water line that during the course of construction was discovered was under the road pavement rather than at the center of the shoulder as shown on the original St. Johns Water Company plans.

Mrs. Johnson reported on the *Arts Council* event for the month of September with three piano bars and a humorist who will be performing at Turtle Point.

Mrs. Johnson reported the *Environmental Committee* would be meeting next week with a topic of discussion will be mosquitos and how they are being treated on the Island.

Mr. Weaver reported the *Public Safety Committee* has over the past couple of years tried to improve the level of responsiveness of the emergency medical support with a measure of success by increasing resources and capabilities to the Fire Department and the addition of a Quick Response Vehicle (QRV) which has been assigned to the Island. He indicated a Charleston County budget increase has provided for additional staffing and equipment which was reported at the last meeting as now being in place. Mr. Weaver stated the goal was now to have a nine to eleven minute response time.

XI. Town Administrator's Report:

Ms. Tillerson thanked Town and Kiawah Island Community Association (KICA) staff for their hard work while making preparations for the tropical storm last week. She stated that in her absence the Town staff did a great job pooling resources with KICA and the Resort.

Mayor Lipuma added his compliments to the Town's PIO (Public Information Officer), Mrs. Braswell-Edgerton, for handling the EOC (Emergency Operations Center) briefings and Mr. Elder, Chief of Security, for the Community Association, who did a great job coordinating the efforts. He stated it was a great dry run for the EOC considering the minor event had very little impact on the Island.

Mr. Labriola also added compliments and thanks to Ms. Tillerson and Mr. Bailey, COO of the Community Association, on the performance of both their staffs.

Ms. Tillerson reported that Mr. Lameo, Senior Code Enforcement Officer, was getting married this week in Myrtle Beach, and also congratulated Mr. Bold, Code Enforcement Officer, for the completion of his Business License Certification.

In response to Mrs. Johnson's question, Ms. Tillerson gave an update on the design of the Town's new website.

XII. Mayor's Report:

Mayor Lipuma stated that candidate filings for Mayor and Council opened on September 1st and will run through noon on October 6th. For anyone interested on running for either office, forms are available at the Town Clerks office. The Town election will be held on Tuesday, December 6th at the Sandcastle.

XIII. Citizen Comments:

Andy Capelli – 160 Governors Drive

Mr. Capelli expressed his disappointment at the majority of Council voting to approve the rezoning of the Town Hall property. He stated conversation covered many topics but did not include the substantive issue of correct ordinance form in showing the effect the approved change of the zoning in the ordinance. He stated the Planning Commission did not approve the R-3 reference and though discussed, did not vote on the ordinance form that would be presented. He indicated that any reference that the Planning Commission reviewed or approved the ordinance form is incorrect.

Mr. Capelli stated information that was provided to Council was not presented to the Planning Commission. Ms. Tillerson clarified the additional item was a requested comparison of the current zoning to the proposed zoning.

Mr. Capelli then stated he had confirmed the final ordinance had not been reviewed or approved by County staff nor had it been reviewed or approved by the Planning Commission.

Mr. Capelli commented on the similar zoning change approved by the Commission on the 9 Beachwalker Drive property by stating the Commission was given a detailed presentation on the reason for the request and the expected use of the property. He indicated the Commission had a clear understanding of the need for the change and approved the rezoning on that basis and similarly rejected the change to the 21 Beachwalker Drive property was based on the information provided.

Mayor Lipuma clarified that Town Council, not the Planning Commission, approves ordinances.

Lynn Feldman - 51 Glossy Ibis

Dr. Feldman, as a physician at the Roper St. Fancies office in Freshfields, is requesting the Town consider adding a helicopter-landing site at the new Municipal Center site. He expressed there is a need for a centralized site to serve Kiawah, Seabrook, and southern Johns Island and the site would provide an unobstructed flight path for the helicopter service the Town already provides.

Ms. Tillerson stated that currently there are approximately three undeveloped acres on the site, and are continuing discussions on the possibility of a landing site with Air Med Care. Mr. Weaver added that currently the designated sites on Resort property and the helicopters have to have clearance to make sure there are no obstructions before they can land. Helicopter service providers would prefer a designated permanent site that is fenced, pre-cleared of obstructions and would provide a GPS location.

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick suggested that if there is additional time not used in the first *Citizens' Comments* used for agenda items, that Council consider allowing general questions.

Mrs. Kulick called attention to a recent article in the Post and Courier on the Sullivan's Island Town Hall and questioned with the two being similar in size why difference in the construction costs.

Mr. Labriola stated the Municipal Center Committee reviewed a comparison of the two projects and found the site preparation was significantly higher for the Kiawah Municipal Center. The Sullivan's Island site was a city site that was "ready to go."

Mrs. Kulick stated the Times recently had an extensive article on Climate Change with a link to a plan that Tybee Island has developed against rising seawaters washing over roads. She indicated that even though the articles have been stored for future use by Mrs. Johnson, she felt the issue should be addressed by the Town, sooner rather than later because signs are already being seen on the Island.

Mrs. Kulick stated at the last Council meeting there were a number of Ad Hoc Work Groups/Study Groups appointed. She expressed her disappointment that the openings were not announced and advertised, as previously done with the BZA opening, so that interested residents had the opportunity to apply to serve the group. She urged the Town adopt a policy of making an announcement of each and every of the Committee openings with the requirement and application timeframe.

Mrs. Kulick stated questions that are asked by citizens that are not answered at the meeting have not received any kind of response and questioned when answers will be provided.

David DeStefano - 31 Burroughs Hall

Mr. DeStefano added comment to the earlier discussion on the helicopter pad. He stated that having flying experience, one of the advantages of having a designated landing site is that the pilot can train and get comfortable with the approach to the landing site.

Mr. DeStefano stated he considered using the Planning Commission approval of the rezoning of the 9 Beachwalker Drive as justification for the approval of the 21 Beachwalker Drive rezoning is false logic. He briefly reviewed the particulars of both requests and stated the request for the R-3 zoning could have been made at a time in the future. He also commented on the Mayor's statement that without the lease with the Community Association, the Town would have requested the zoning change and sold the property for \$3.5 million dollars. He felt the request for a change of zoning to increase the profit would have created an uproar from the residents.

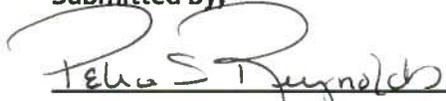
Mayor Lipuma stated that without a restrictive lease, the property was appraised for \$3.5 million dollars. If given the opportunity to sell, he would have, on behalf of the Town and electorate, upheld Council's responsibility to obtain maximum value.

**XIV. Council Member Comments:
None**

XV. Adjournment:

Mr. Labriola motioned to adjourn the meeting at 4:01 pm. The motion was seconded by Mr. Wilson and carried unanimously.

Submitted by,


Petra S. Reynolds, Town Clerk

Approved by,


Charles R. Lipuma, Mayor

11/02/16

Date