

TOWN COUNCIL MEETING
Kiawah Island Municipal Center
Council Chambers
August 2, 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
John Wilson
Craig Weaver
- Present by Phone: Mary Q. Johnson
- 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 Meeting of July 5, 2016
- Mr. Wilson made a motion to approve the minutes of the July 5, 2016 Town Council Meeting. The motion was seconded by Mr. Weaver and the minutes were unanimously passed.*
- VI. **Citizens' Comments (Agenda Items Only):**
- Linda Leffler – 60 Sunlet Bend, Inlet Cove HOA**
- Mrs. Leffler requested to add to comments she made earlier at the Public Hearing held prior to this meeting. She stated the residents of Inlet Cove are in support of the Community Association purchasing the property, only objecting to the inclusion of R-3 in the CS-2 (Community Support -2) designation. She suggested a simple fix would be taking out the R-3, and if / when the Community Association needs to sell the property, they can request a zoning change at that time.
- Dennis McGill – 100 Pleasant Valley Drive**
- Mr. McGill commented the minutes approved were not posted on Friday but rather on Monday. He again stated that Town Ordinance required a public vote of Council to approve compensation to employees and pointed out he could not find when was done for the bonuses given to employees in December 2015.
- He then spoke to merit increases discussed in Executive session at the May 24th Ways and Means Meeting but did not find the recommendation made to Council for approval vote as stated at the

end of the meeting. He also stated despite no formal vote for approval, merit increases were given as of July 1st. He note some increases were not given, some below, and some noticeably over the 2.5% discussed. Mr. McGill requested an explanation and justification for the increases without formal approval of Council.

Mayor Lipuma stated the process for salary increases starts with a performance appraisal. A table is then used to match the performance appraisal to merit increase which is a function of where the individual stands relative to their salary range. The Ways and Means Committee reviews the individual employee performance appraisal and transfers the appraisal into a merit increase amount. The aggregate of all merit increase then transfers into the budgeted salary increase, not individual increase, which this year was 2.5%. The percentage then produces a number of dollars that are used for salary increases.

Ms. Tillerson stated Town Council did approve the budget salary increase during the budget process. Mr. Labriola added that all the elements of this year's very detailed budget were thoroughly discussed during the budget process.

VII. Presentations:
None

VIII. Old Business:
None

IX. New Business:
A. Approval of FY2016-2017 Deputy Coverage Contract

Mr. Weaver spoke to the history of the current contract with Charleston County Sheriff's Office. He stated the Town has a long relationship with the Charleston County Sheriff's Office (CCSO) through the contracting of off-duty deputies to provide 24-hour coverage, 7 days per week, year round for the Town of Kiawah Island. The contract provides for four deputies, 2 at Freshfields, and 2 on the Island, three shifts per day.

Mr. Weaver stated the current contract expired on June 30th but there were a number of issues the Public Safety Committee (PSC) wanted to address; therefore, a contract amendment to extend the contract for one month was approved.

First, the recommendation was made, and supported by the PSC, for a reduction of one deputy on shifts 1 and 3 only at Freshfields. He discussed the recommended metrics would have three deputies on shifts 1 and 3 (one at Freshfields and two on the Island) and four Deputies on shift 2, which is considered peak time split evenly between Freshfields and the Island.

Mr. Weaver discussed the \$30.00 per hour payment rate that is currently paid to the two coordinators who handle the scheduling and coordination of the deputies. The determination was made the coordinators were forced into work a considerable amount of overtime hours in order to compensate themselves for their supervisory duties. To separate compensation for work as a coordinator from work as a deputy the recommendation was made to have a lump sum annual compensation for time spent on coordination duties (\$16,000 for Captain Martin and \$10,000 for Lt. Brokaw) and the regular rate of \$25.00 for work done as a patrol deputy.

Mr. Weaver made a motion to approve the Charleston County Sheriff's Office FY2016-2017 Deputy Coverage Contract. The motion was seconded by Mr. Wilson.

Mayor Lipuma added the approval of the contract was recommended by the Ways and Means Committee. Mr. Labriola stated, as he explained at the meeting, he does not support reducing deputy coverage; therefore, would not support the motion.

Following the discussion, the motion was passed by a 4 to 1 vote with Mr. Labriola voting No.

B. Approval of CARTA FY2017 Budget

Mayor Lipuma stated the Mayor was a member of the Charleston Area Regional Transportation Authority (CARTA) Board; therefore, a draft of its FY2017 budget was presented at the Ways and Means Committee Meeting for Council review and approval.

Ms. Tillerson indicated Mr. Burns, with the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG), gave a brief overview of the proposed \$35 million balanced FY 2017 Budget which included a number of capital projects which included the entire construction of the intermodal center.

Mayor Lipuma stated the budget will be reviewed and voted on by a number of additional communities who also have members on the CARTA Board. He also noted the Ways and Means Committee recommended approval.

Mayor Lipuma made a motion to recommend to Council the approval of the CARTA FY 2017 Budget. The motion was seconded by Mr. Labriola and unanimously passed.

C. Approval of Amphibious Vehicle Purchase

Mr. Jordan gave a brief history on the Town's amphibious vehicles. The Town purchased its first amphibious vehicle in 2007. This unit (Argo Frontier 6x6) was used primarily to conduct surveys of piping plovers as required mitigation for the 2006 East End Beach Restoration Project. The Argo developed a severe leak in 2010, rendered inoperable, and replaced in 2011 with a Max IV 6x6 amphibious vehicle. The current Max IV has developed a variety of mechanical issues over the last few years and is currently inoperable and unsafe for use.

Mr. Jordan explained the uses of the amphibious vehicle is needed to quickly and safely cross tidal inlets and creeks, particularly on the eastern end of the beach. It will be used to conduct required piping plover surveys (30 surveys per year) through 2020. The vehicle will also be used to transport bird banding assistants to the Captain Sam's fall banding station (70 trips per year) and to respond to emergency calls, marine mammal and turtle strandings across the inlet on the east end.

Mr. Jordan stated staff conducted extensive research on amphibious vehicles to pinpoint the optimal unit and configuration to meet the Town's needs. The only manufacturer offering a vehicle that meets the required specifications was the **Argo Avenger S 8x8**. Bid requests were sent out to 12 Argo dealers with three bid received by the Town ranging in price from \$21,759.99 to \$24,539.00. The lowest bidder was Bost Tune- up and Argo ATV Sales, LLC from Rockwell, NC. He also requested the approval of the purchase of a 6x12 utility trailer to transport vehicle at a cost not to exceed \$2,000.00.

Mr. Jordan noted that \$25,000 was budgeted for the purchase of an amphibious vehicle in the FY 2016-2017 budget.

Mr. Labriola made the motion to approve the expenditure of \$21,759.00 for an Argo Avenger S 8x8 from Bost Tune- up and Argo ATV Sales and an additional \$2,000.00 for a 6x12 utility trailer. Mayor Lipuma seconded the motion.

Mr. Weaver questioned the life expectancy of the new vehicle. Mr. Jordan stated the short life was a function of the salt environment but expected a longer life with the new vehicle having a water tight automatic chain oiler system to prevent rust and corrosion on the chain and new developments in wheel bearings.

Following discussion, the motion was unanimously approved.

D. 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 – First Reading

Mayor Lipuma stated that rezoning of the current Municipal Center must take place prior to its sale to a non-municipal owner. Ordinance 2016-04 will add the new zoning classification of Community Support 2 and the accompanying Ordinance 2016-05 will amend the Land Use map. He indicated both Ordinances were presented for public comment at the Public Hearing held prior to this meeting. At the July 6th Planning Commission meeting, deliberation of the rezoning resulted in a 4 to 2 vote not to recommend approval of the CS-2 designation with the inclusion of R-3 as a permitted use.

Mr. Permar provided an overview of the history, the vision, and plan of development of the Island. He discussed past zoning, land use patterns, planned development, and identification of zoning classifications for the Island and properties along Beachwalker Drive. He noted that historically Beachwalker Drive was to be a road that allows for the blending of residential and/or commercial activities. Mr. Permar included in his discussion the changes made to the Development Agreement over the years as the Island developed. He stated it was his conclusion the blending of residential and consideration of non-residential uses is compatible with community use in this area.

Jimmy Bailey stated the members of the Kiawah Island Community Association (KICA) Board deemed the expenditure to purchase the existing Town Hall along with the maintenance and up-keep held sufficient value to its membership. He indicated at the time there was no specific plans for the use of the additional space and noted the Board indicated it would work on determining the highest and best use of the property. Mr. Bailey stated KICA assumes the purchase as long-term and resale of the property was highly unlikely, but noted that without the zoning adjustment the value of the property was severely limited. The agreement to purchase was approved by the Board based on the Town's commitment to rezone the property. Without the zoning flexibility, the Board felt it made more financial sense to remain a tenant.

Mr. Bailey explained the number of discussions with County and Town Staff that led to the determination of the R-3/Commercial designation. He then spoke to meeting with area

homeowners who expressed concerns with the *Commercial* designation and traffic along Beachwalker Drive. Taking into consideration their concerns, the new CS-2 designation was created as a compromise. He also stated he would recommend to the Board that the Community Association voluntarily submit to Architectural Review Board (ARB) jurisdiction.

Mr. Bailey respectfully requested Council the approval of the CS-2 zoning amendment.

Mr. Weaver commented on the sales contract presented to Council for approval which indicated the Town would attempt to rezone the property consistent with KICA's intended use. He noted that subsequent discussions never mentioned R-3 as a potential or intended use by the Town, or could he find any public comments or announcements made by the Community Association that stated anything other than the purchase was to be made for the enjoyment of the membership. He questioned the basis for the inclusion of R-3 after the fact.

Mr. Bailey stated R-3 was a compromise position arrived at when the *Commercial* zoning classification assumed to be appropriate for the property met resistance.

Mr. Wilson stated he was part of the price negotiations and was surprised at the inclusion of the R-3 as a permitted use. He pointed out the price negotiated reflected community use and did not reflect the higher appraised R-3 zoning.

Mayor Lipuma made a motion to approve the first 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 Mr. Labriola.

Mr. Weaver made a motion to amend Mayor Lipuma's motion by amending the proposed CS-2 zoning classification to exclude R-3 as a permitted use. Mayor Lipuma stated he wanted to go ahead with his motion as stated and vote on the motion.

Mr. Wilson asked for history on introduction of the *Commercial* and R-3 to the discussion. Ms. Tillerson explained the process by which she, Mr. Bailey, and County staff used to make the zoning determination.

Mr. Weaver stated he would support the CS-2 designation without the inclusion of R-3. He pointed out the Planning Commission's through review and voted against approval. He also stated that while Council has the ability to not abide by their recommendation, he felt there should be compelling reasoning.

Mr. Wilson pointed out there were three former Community Association Board members who are not in favor of the inclusion of the R-3 permitted use.

Mrs. Johnson stated:

The decision today is quite complex for me. At a recent seminar, I attended that the Municipal Association held on land use planning, there are 2 words that have stuck with me. They are "intent

and affect." And that is where we are with this decision. We believe the intent in selling this building to KICA is to be used as a community center. And that should also be the affect. The zoning must be changed for that to happen. Part of the new zoning code allows for the possibility for something else to happen - a different affect.

It is also the intent for the Town to sell the building. To not do that creates a very different affect. The Town becomes a landlord with the responsibilities and costs that go with that.

The Town trusts that the only use of the building by KICA will be for a community center. We, all residents, will be part of the decision for that to change.

Having said this, it is in the best interests of the Community for the Town to sell the building to KICA.

I added that the CS-2 zoning designation that allowed the use of the building by the Community Association had within it an R-3. I wish that the community association would remove it, but that is not the case.

Mr. Labriola thanked the members of the community who made comments at the Public Hearing. He stated he would be supporting the Mayor's motion having faith in that the proposed zoning is acceptable, supported by staff, and is consistent with the historical intended use of the property along Beachwalker Drive. He spoke to the sale of the property and the impact of the lease put in place with the Community Association 20 years ago.

Mayor Lipuma stated that had the thirty-year free rent lease with the Community Association not been in place he would have aggressively pursued a residential rezoning and a sales price of \$3.5 million dollars on behalf of the Town. He noted that if he supported the rezoning on behalf of the Town why would he not support the R-3 on behalf of the Community Association.

Mr. Wilson asked Mrs. Olson, Vice Chairman of the KICA Board, to confirm if the Board would not buy the property if the R-3 zoning was not approved. Mrs. Olson stated the sales agreement would have to be renegotiated to a lower priced due since the agreement was based on commercial rezoning.

Mr. Weaver stated he did not want to leave the impression that approving the rezoning would "save the deal." It is his understanding that not having the R-3 zoning does not violate the sale agreement with KICA.

Mayor Lipuma called the question,

Wilson	No
Labriola	Yes
Johnson	Yes
Weaver	No
Mayor	Yes

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

E. 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)– First Reading

Mayor Lipuma 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 Mr. Labriola.

Following discussion Mayor Lipuma called the question,

Weaver	No
Johnson	Yes
Labriola	Yes
Wilson	No
Mayor	Yes

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

X. Committee Reports:

A. Municipal Center Committee Update

Mr. Labriola commented on items discussed at the *Municipal Center Committee* meeting. He reported the project was progressing well and generally on schedule with site work and building pad preparation having been completed. Mr. Labriola reviewed the current documentation along with the costs related to the change orders and the Current Projection Recap and Change Order Recap prepared by the Finance Department. He also gave a brief explanation of the upcoming change order which will be required to tap in the main water line.

Mr. Wilson had no report for the Planning Commission or BZA.

Mr. Weaver had no report for the Public Safety Committee.

Mrs. Johnson reported,

The 2016/2017 Season Planner has been created and some are at the back. Stephanie Braswell has done a beautiful job as usual. The season begins with the Charleston Jazz Orchestra this weekend on August 7th at East Beach. We have an exciting season. Some highlights are the Jazz orchestra, the CSO as usual, one performance of the ballet with Swan Lake, the Moran Christmas show, a special tribute to Frank Sinatra on Valentine's Day, duo pianists, a humorist who does not want to be called a comedian. Quentin Baxter returns with 3 very special concerts and Judy Carmichael will return with special artists and a new performance format. Wycliffe Gordon will present a tribute to Louis Armstrong and more.

I attended the annual Municipal Association of SC's meeting that was held in Charleston this year. Some of the sessions I attended are - "Realizing the Full Potential of Your Hometown's Public Spaces", "Avoiding Land Use Liability", the Opening General Session with a speaker whose topic was "Thriving in the Age of Distraction" - very interesting, the Delegates' Luncheon with speaker Kathleen Parker who gave a terribly scrambled talk, Legislative & Legal Update, the Awards Breakfast, "Trends & Challenges in Public Recreation", and almost all of the 15 minute technology sessions scheduled between the sessions, the Exhibitor Showcase, and represented our mayor again at the Mayors' Roundtable. Very interesting meetings and very informative.

Jim Jordan reported on the presentation made to the Environmental Committee by Engaging Creative Minds. The local non-profit works to develop curriculum and activities for local schools.

Town Biologists will be working with this organization to develop potential field trips, classes, and/or demonstrations that highlight Kiawah's wildlife in our local schools.

Mr. Jordan reported on the Alligator Research project which is Joint effort between Town, KICA, and Conservancy. The capture of 30-40 alligators will begin on October 1st. Blood samples and other biological data will be collected. All alligators will receive visual numbered tags to aid in future identification and twelve alligators will receive VHF transmitters.

Mr. Jordan reported the Committee finalized the Funding Guidelines and Process. Discussed were guidelines for reviewing requests to receive funding for environmental projects. The application procedure, timeline, and approval process was approved by the Committee.

XI. Town Administrator's Report:

Mr. Jordan gave a Wildlife Department update:

- ⬇ Aggressive alligators
 - 13 calls that required a response
 - 2 alligators removed. Total of 8 for year. Usually 2-4
- ⬇ Alligator Counts
 - Surveys – August 2-3, jointly with KICA
- ⬇ Better logging of calls
 - Working with KICA to improve call response and record keeping. Report Exec is the software used by both KICA and KIGR Security. Allows logging of calls and automatic notification of responsible parties and addition of updates. Licenses are \$115 a month.
- ⬇ Alligator signs
 - Working on a new alligator sign layout. Staff recommends the current SCDNR sign with a few modifications for Kiawah. KICA is responsible for signage and is taking the lead on ARB approval. May need to go to Public Safety Committee for approval.
- ⬇ Fall Migration Banding
 - August 15 – November 30, daily banding at Captain Sam's spit (8th year)
 - August 20 – November 15, daily banding at Little Bear Island (2nd year)
 - 7 banding technicians have been hired, 3 returning from last year.
- ⬇ Tallow Tree Control Program
 - Working on map of treatment areas for 2016.
 - Treatments would be conducted in October-November and will focus on 2013 areas plus Little Bear
- ⬇ Turtle Patrol
 - 304 nests
 - 39 have hatched
 - Will be second highest year on record once nests from East End are added
- ⬇ Mosquitos and Zika virus
 - KICA handles all mosquito work
 - Larvicide – tablets in storm drains which last 150 days – done twice this year
 - Fogging using a small amount of herbicide to kill adult mosquitos

Ms. Tillerson stated she will be having monthly Department Head meeting and will report on issues as they arise.

Ms. Tillerson introduced Mr. John Taylor, the new Planner hired by the County. She stated that after completing his training Mr. Taylor will be doing the Town's planning work.

Ms. Tillerson reported she was accepted into Leadership Charleston program, sponsored by the Charleston Chamber of Commerce. She stated the 9 to 10 month program will have a different monthly focus.

XII. Mayor's Report:

Mayor Lipuma reported on the current Ad-hoc committees working now or will be working in the near future. He stated the Attorney selection group will be headed up by Mr. Labriola along with Mr. Wilson, Mr. DeStefano, and Ms. Tillerson. An Economic Impact of Kiawah and Seabrook on Charleston County is being conducted by the Citadel as part of an NBA project, with contribution from Mr. Weaver and Ms. Tillerson. He reported the Human Resources study group will look at salary structure, performance evaluation process and merit raises will include Ms. Tillerson, Mr. Weaver, and a representative from KICA.

Mayor Lipuma reported Investigator Durr stated the FBI investigation is still awaiting additional information before interviewing members of Council.

Mayor Lipuma reported that he, Paul Roberts, and Seabrook Mayor Ciancio attended a meeting with Charleston Mayor Tecklenberg, his staff, Charleston Councilman Marvin Wagner and Josh Martin. The objective of the meeting was a review the comparison of widening of Main, Bohicket, and River Road verses the construction of a Greenway or expressway across Johns Island. The meeting also included discussion of the impact of construction on Johns Island, alternatives, and the future of the completion of I-526.

XIII. Citizen Comments:

Marilyn Olsen – KICA Board

Mrs. Olsen thanked Council, on behalf of the KICA Board, for their review of the facts and the intent of the agreement and for the vote in favor of the CS-2 zoning as presented. She stated the community will be the beneficiary.

Marilyn Larach – 1082 Terrapin Court

Mrs. Larach stated that since the Town has the responsibility for Beachwalker Drive and the Parkway from the gate to the circle, she urged the Town to consider the impact of present and future rezoning along Beachwalker Drive. With the developer intent on monopolizing its holdings, has any consideration been given to the intersection of Beachwalker and the Parkway on a busy summer weekend?

Mrs. Larach expressed her concern with the entrance to the New Municipal Center so close to the acceleration lane and wondered how many rear end collisions it would take before it would be reconsidered. She stated her solution would be to enter the circle and exit the Island out of the circle in order to avoid a vehicle making the turn.

Mayor Lipuma stated that the Town was in contact with Department of Transportation (DOT) to lower speed limits.

Dave DeStefano – 21 Burrows Hall

Mr. DeStefano stated he equated the R-3 issue to the Rhett's Bluff issue. In his opinion the only reason the Community Association is pushing for the R-3 rezoning is if in the event the Rhett's Bluff project is able to move forward, the Association, not being able to afford both properties, would sell the Town Hall property and use the funds for the Rhett's Bluff project

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick,

- Pointed out September 1st as the start of the election-filing period and questioned when members of Council will announce if they are seeking re-election.
- Commented on the Municipal Center cost overrun, stating the architect and/or Cedrus should have had responsibility for knowing where the waterline was located and did not think the cost should be borne by the Town.

Mr. Labriola responded that it was not an inappropriate question but that Cedrus as owner's representative had no responsibility. The drawings reflected the mainline on the shoulder of the road not under the road.

- When are answers going to be given to comments and questions made by citizens that are still unanswered? She pointed out that Town policy was within 30 days.
- She commented it was her hope that all since all members of KICA Board are citizens of the Town and all member of Council being members if KICA that logic and reason would prevail with compromise.

Linda Leffler – 60 Sunlet Bend

Ms. Leffler charged Town Council and the County to please help with the traffic problem which continues on Beachwalker Drive. She recounted her experience at having to wait for 12 minutes in traffic to turn into Inlet Cover. She stated the intolerable wait times have been going on for four years. The heavy traffic is also accompanied by trash, noise and other unacceptable behavior that will only get worse with new development.

Mayor Lipuma responded that controlling the traffic to a public access park is very difficult. The Town along with park staff have been making every effort to keep traffic from backing up along the road. Signs are used to indicate when the parking lot for the park is full, but it seems to get harder to manage every year.

Mr. Weaver suggested the issue could be reviewed and discussed by the Public Safety Committee.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill commented on his requested for Council to be more transparent in the actions taken. He stated he was given the amount of merit increase for those employees making over \$50,000.00 per year but not for the making less. He also commented on figures were previously given as

compensation for SAFEbuilt employees and compared them to the salary, benefits and paid time off paid to the current building service employees.

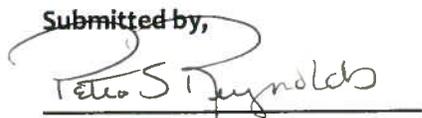
XIV. Council Member Comments:

None

XV. Adjournment:

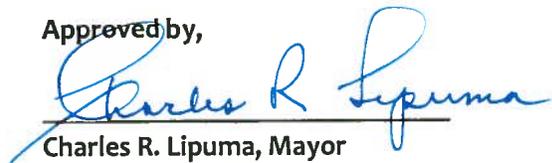
Mr. Weaver motioned to adjourn the meeting at 4:20 pm. The motion was seconded by Mr. Wilson and carried unanimously.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Charles R. Lipuma, Mayor

09/19/16

Date