

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

July 5, 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 Meeting of June 7, 2016

Mr. Weaver motioned to approve the minutes of the May 3, 2016 Town Council Meeting. The motion was seconded by Mr. Wilson and was unanimously passed.

VI. Citizens' Comments (Agenda Items Only):

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick suggested the Town inquire if during the month of January, YCR could address any legal issues that may arise and put off the appointment of a new Town Attorney until after this year's election allowing the incoming Council to have input in the selection.

Dennis McGill – 100 Please Valley Drive

Mr. McGill questioned the submission of the resumes of new appointees to the members of the BZA for consideration. He noted it was contrary to Town Code which states members serve three-year terms and are appointed by the Mayor and Council. He questioned if the policy had changed and if so when.

Mayor Lipuma stated there was no change in policy, the decision on the appointment would be made by Council, but the Chairman of the Board could make a recommendation.

Mr. McGill confirmed with Mayor Lipuma that the members served staggered terms and the newly appointed member would be serving out the term of the member that has left. He also questioned when that term expired. It was determined the term expired in 2017.

Mr. Rhoad added the Town did not have the option to change its policy due to BZA members being appointed by the requirement of the state statute.

VII. Old Business:

None

VIII. New Business:

A. Charleston County Sheriff's Office Contract Amendment

Mr. Weaver stated the current contract with the CCSO (Charleston County Sheriff's Office) for part-time deputy coverage on the Island is expiring at the end of June. He indicated the current coverage of two deputies each for both Freshfields and the Island, three shifts per day, seven days a week was evaluated by a PSC (Public Safety Committee), and the recommendation was made by the committee to remove the second deputy assigned to Freshfields on the 1st and 3rd shifts. He noted the other item of coordinator compensation was still being evaluated with the Town Administrator. The proposed contract amendment, recommended by the Ways and Means Committee, would extend the contract until August 2nd allowing time to finish work on the evaluations of coverage and coordinator compensation.

Mr. Weaver made a motion to approve the extension of the existing Charleston County Sheriff's Office Contract to August 2, 2016. The motion was seconded by Mayor Lipuma and unanimously approved.

B. Carolina Waste Barcode Scanning System Proposal

Mr. Lameo reviewed the proposal from Carolina waste to install a barcode system on the trash receptacles on the Island.

He explained it is a means of controlling and monitoring the amount of calls the Town receives; Carolina Waste has proposed installing a RFID (radio-frequency identification system) that would log service in real time through a barcode system when the containers are brought to and emptied at the truck. The Contractor, as well as the Town, would have live-time access to this information through a web-based system. Thus ending the questions, if the trash was not placed out in a timely fashion (by 7:00am), refilled after that day's collections, or if cans are placed at the wrong house and reported as missing. This system will also give us the ability to locate missing containers through its GIS (geographical information system) system and send photos of problem areas such as blocked streets, cans locked in garages and yard debris placed out improperly.

Carolina Waste would be willing to implement the RFID Tracking System on their trucks and trash containers used throughout the Island. The initial cost of this system would be absorbed by Carolina

Waste in the range of \$60,000 for the system. For the Town's part, it would be responsible for the annual software maintenance fee of \$8,400.00 calculating to an increase of approximately \$4.50 per household. Along with this annual increase, Carolina Waste has requested an extension of their contract by three (3) years ending in July 2020.

Mr. Labriola noted the Ways and Means Committee reviewed and recommended approval of the proposal.

Mayor Lipuma made a motion to approve the Carolina Waste Barcode Scanning System Proposal for equipment upgrades which includes the year fee of \$8,400.00 and extension of the current contract to 2020. The motion was seconded by Mr. Labriola

Mr. Weaver stated he felt the implementation of the system would provide a better level of service as well as decrease the amount of staff time used in addressing resident concerns and complaints.

Following discussion, the motion was unanimously approved.

C. Emergency Debris Removal Monitoring Services Proposal

Mr. Lameo stated as a requirement of FEMA (Federal Emergency Management Agency), the Town of Kiawah Island must have in place a qualified firm to monitor the removal of storm debris, which is contracted through Phillips and Jordan, in the event of a natural disaster. The present contract with Atkins expired as of June 1st and they have notified the Town that they will no longer be providing services to small municipalities.

Request for Proposals (RFP) were sent to five firms via postal service and electronic mailing with two of the companies contacted declining to bid. The completed proposal received from All South Consulting Engineers, LLC met all the requirements of the RFP. The contract is on an "on call" basis and activated only when required.

Mayor Lipuma added the monitoring of debris removal was a requirement for FEMA reimbursement. The proposal was reviewed and approval was recommended by the Ways and Means Committee.

Mr. Labriola made a motion to approve the "on-call" Emergency Debris Removal Monitoring Services Proposal from All South Consulting Engineers. The motion was seconded by Mr. Wilson and unanimously passed.

D. Board of Zoning Appeals Appointment

Mayor Lipuma stated with the resignation of Mr. Jack Braden from the BZA a call was put out for volunteers to serve on the Board. Two candidates submitted their resumes for consideration, Mrs. Wendy Kulick and Mrs. Barbara Howell.

Mr. Wilson stated after reviewing both candidates the recommendation from the BZA members and Chairman was to appoint Mrs. Howell.

Mr. Wilson made a motion to accept the Board of Zoning Appeals (BZA) recommendation to support the appointment of Ms. Barbara Howell to fill the open position on the BZA. The motion was seconded by Mrs. Johnson.

Mayor Lipuma read over Mrs. Kulick's resume and pointed out her previous position on the BZA along with her service on many other boards and committee. He also noted she is in attendance at a majority of the Town meetings and her long-standing service to the Community. He, along with Mr. Labriola, expressed their support for her appointment to the Committee.

Mr. Weaver indicated he would support a motion to appoint Mrs. Kulick. Mrs. Johnson also stated she would support Mrs. Kulick, but expressed her concern that Council had never gone against a Board or Committee member recommendation. Mr. Wilson agreed with Mrs. Johnson's concern.

Mayor Lipuma called the question to accept the BZA recommendation to support the appointment of Ms. Barbara Howell to fill the open position on the BZA.

<i>Mr. Wilson</i>	<i>Yes</i>
<i>Mr. Labriola</i>	<i>No</i>
<i>Mrs. Johnson</i>	<i>Yes</i>
<i>Mr. Weaver</i>	<i>No</i>
<i>Mayor Lipuma</i>	<i>No</i>

The motion failed by a 3 to 2 vote.

Mr. Labriola made a motion to appoint Mrs. Kulick to fill the open position on the BZA. The motion was seconded by Mayor Lipuma.

Both Mrs. Johnson and Mr. Wilson again expressed his concern with going against the recommendation of the Chairman of a Board or Committee. Mrs. Johnson requested the appointment motion be tabled until the Committee and Mr. Wilson can gather more information on the recommendation.

Following further discussion, the motion to appoint Mrs. Kulick to the BZA was unanimously passed.

<i>Mr. Weaver</i>	<i>Yes</i>
<i>Mrs. Johnson</i>	<i>Yes</i>
<i>Mr. Labriola</i>	<i>Yes</i>
<i>Mr. Wilson</i>	<i>Yes</i>
<i>Mayor Lipuma</i>	<i>Yes</i>

E. Approval for Two New Positions

Mr. Labriola stated two positions were included in the approved FY 16-17 Budget; there had always been an issue with the need for the addition of a Communications Assistant and a Business License/Permit Clerk. He noted even though the budget was approved he requested Ms. Tillerson not move forward with recruiting before presenting Council with justification and receiving specific approval.

a. Communications Assistant

Ms. Tillerson spoke to the need for an addition of a Communications Assistant. She stated at the year's Council Retreat there was discussion the Town was going to make an assertive effort to be more proactive in disseminating information to the community on what is going on "inside" Town Hall. This can only be accomplished with a dedicated staff person dedicating time to stay abreast of all the activities, meetings, projects, etc. at Town Hall. This person will also be responsible for keeping our website up-to-date, managing and monitoring our social media sites, improving and writing content for Town Notes and E-blasts, working with the Mayor and the Administrator to create press releases when necessary, take on new projects related to pushing information out to the community, and continue to assist Art Council.

Stephanie Braswell-Edgerton is currently Administrative Assistant to the Town Administrator, Communications Specialist, and Liaison to Art and Cultural Events Council. For her to effectively be the Communication Specialist, we need to provide her the tools and resources to do so. Based on the Organizational Chart that was approved by Town Council, she is relieved of her duties as the Administrative Assistant, and a new position is created Communication Assistant. That person will work under the direction of the Communication Specialist.

The new hire's primary responsibility will be liaison to the Arts and Cultural Events Council. This role represents about 60 percent of this person's time during the Arts and Cultural season. The remaining time will be spent working on communication projects as assigned by the Communication Specialist, and assisting the Administrator on various projects as they come up.

Mr. Wilson expressed his reluctance to hire an additional employee to do the work for the Arts and Cultural Events Council. Mr. Labriola pointed out the Community and Council was very supportive of the Arts and Cultural Events Council and the services they provide. He felt the focus was if Council agreed there was a need to expand, improve, or enhance its communications. Members engaged in an in-depth discussion of the Town's communication needs. Mrs. Johnson stated the Town has come a long way in its efforts to improve its communications but still lags behind with only one person try to keep up with current goings on.

Mr. Labriola made a motion to support the addition a Communications Assistant as outlined by Ms. Tillerson. The motion was seconded by Mrs. Johnson.

Mr. Wilson stated the Town should have a limited scope of operations and in that, its core functions. He expressed his concern with the addition of more full-time staff that will eventually fill space provided in the new building. He stated he supported Mrs. Braswell-Edgerton being a full-time Communications Specialist and suggested hiring a part-time non-benefit employee to support the Arts and Cultural Events Council.

Mr. Weaver stated he was also concerned with hiring additional staff but felt comfortable with Ms. Tillerson's recommendation for the addition of a lower level full time assistant position.

Following the discussion, Mayor Lipuma called the question and the motion was passed by a 4-1 vote. Mr. Wilson voted no.

b. Business License/Permit Clerk

Ms. Tillerson spoke to the need for an additional Business License/Permit Clerk. She stated the Town currently has two code enforcement officers to monitor and enforce the Town code on the island. However, after the Town hired SAFEbuilt to handle building services in-house including building permits, Juan Martin, Code Enforcement Officer II, was temporarily assigned the role of business license and permit clerk along with Rusty Lameo, Support Services Supervisor. Sharon Johnson was hired shortly after as the building permit clerk/receptionist. Due to the volume of permits, Mr. Martin continues to assist with business license and building permits leaving the Town with only one fulltime code enforcement officer.

Ms. Tillerson stated building permit revenue for FY 16-17 is projected at \$1.2 million and business license revenue projected at \$1.8 million. Both revenues combined make up over 60 percent of the Town's operating revenue and one person cannot satisfactorily handle the workload.

Ms. Tillerson explained that historically, the majority of the business license renewals were processed by QS/1, the previous software provider. With the new software provided by Tyler Technologies, the renewal process is not available and now must be handled in-house by staff. The new building license/permit clerk's primary responsible will be to handle and process all business licenses and work with the finance department in following up with delinquent business licenses, assist with the business license audits, and between January and March of every year, responsible for handling the large volume of business license renewals and processing renewal applications in a timely manner.

Mr. Lameo gave a brief of background on the many hats worn by the Town's small staff. He stated code enforcement staff responsibilities are to react and respond to different events on the Island. He stated his department also performed some minor repairs and maintenance to the building. Mr. Lameo explained some of Officer Martin's jobs now entailed helping with IT issues, handling solid waste calls, helping in processing the approximately 230 monthly business licenses and permits, along with recently taking on responsibility for the road counters. He stated with permitting quadrupling in the last year the need for additional staff was essential. Mrs. Johnson added during the past year Town staff, along with visitors' center staff, have been enlisted to help whenever possible.

Mr. Lameo indicated he would like to see Mr. Martin have the opportunity to get back out into the field on the Island checking the streets, bike paths to make sure residents and visitors are safe. He explained Mr. Bold, the other code enforcement officer's duties included delivery

of packages to Council and couriering plans to Charleston County two to three times a week; and also on the Island making sure contractors have proper permits and licenses. His duties would also include monitoring the beach for any dangers and inspecting garbage cans and enclosures.

Mr. Weaver stated he was concerned with the additional staff and questioned if any of the business license and permitting process could be automated and made less people intensive. Mr. Lameo, along with Mrs. Johnson, stated efforts had been made to automate the process; however, people still prefer a face-to-face process.

Mrs. Johnson made a motion to support the addition of a Permit/License Clerk. The motion was seconded by Mayor Lipuma.

Following further discussion, the motion was passed by a 4-1 vote. Mr. Weaver voted no.

F. Request to Proceed with Search for New Town Attorney

Mayor Lipuma stated at the June Town Council meeting, Town Attorney, Dennis Rhoad announced his retirement to be effective December 31, 2016. With his resignation being accepted, the Mayor established a work group, or Ad-Hoc Committee, to assist the Town Administrator in developing a process to select the next Town Attorney. Mr. Labriola would act as Chairman of the work group and include:

- John Wilson, Council Member
- David DeStefano, Community member, with corporate legal background
- Dwayne Greene, member at large, with the City of Charleston Municipal legal background

Mr. Labriola stated group discussion evaluated what was considered as the three available options for the next Town Attorney: a town employee; an individual on a contract basis; or a law firm.

- Town Attorney (employee) – This option is not recommended. The current workload and compensation for an attorney on a full or part time basis would be difficult to justify as an employee of the Town.
- Town Attorney (contract) – The group felt that on average the attorney would work 10 hours per week at a rate of \$160 per hour would be of interest to an attorney. (Compensation would be a \$80,000 contract with no benefits) This arrangement was considered most cost effective and beneficial to the Town. The Town Attorney be responsible for all contact with external firms for specific services that they could not provide.
- Law Firm – This option is not recommended. Although there is a benefit of using a firm with a range of services, not having a specific point of contact and potential for high legal fees was a major concern.

Mr. Labriola questioned the other members of Council to weigh in on which, if any, of the proposed approaches they would like to support or if they would like to wait until a possible new Mayor and Council is in place.

Mr. Wilson clarified the contract would be fixed price of \$80,000.00 was not an hourly pay and the attorney would not be a Town employee. He also stated the new attorney would be expected to develop a framework of how to control the use of outside law firms.

Mayor Lipuma indicated it was his feeling that Council should not delay the selection of a new attorney until after the election. He felt this Council was in a better position to select the attorney given its knowledge of the challenges the Town has and will face in the future.

Mr. Labriola made a motion to accept the recommendation of the work group to seek a new Town Attorney on a contract basis at a level of \$80,000.00. The motion was seconded by Mr. Wilson.

Mrs. Johnson asked if the RFP (Request for Proposals) could be reviewed at the September Council meeting rather than at the August meeting. Mr. Labriola stated the RFP had already been drafted and would be ready for release in July. Mr. Weaver added waiting until September would put the hiring very close to the end of the year.

Mrs. Johnson questioned where the job postings will be advertised. Ms. Tillerson stated that depending on the position, the advertisement would be on the MASC (Municipal Association of South Carolina) website, the Post and Courier and for the attorney, the Bar Association.

Following the discussion, Mayor Lipuma called the question and the motion was unanimously passed.

Mayor Lipuma reappointed the Ad-Hoc Committee to review the Town Attorney RFP process and present a recommendation to Council.

IX. Committee Reports:

Mr. Wilson reported next week the senior partner of *Greene, Finney, and Horton* would be meeting with the Mayor, Town staff, and members of the *Audit Committee* to kick-off the annual audit.

Mr. Wilson reported the *Planning Commission* would be reviewing an application submitted by the Town to rezone the current Town Hall to a new CS-2 category. The new zoning would allow the Community Association to operate in absence of a Municipal entity in the building. He reviewed some of the uses that would be allowed as permitted and conditional uses in the new zoning.

Mr. Labriola reported on the last *Municipal Center Committee (MCC)* meeting, He presented and reviewed the figures on the first financial report completed for the month of May on the New Municipal Center project. He stated a monthly report will be completed and presented to the MCC for their examination and analysis. He added two change orders expected in the month of June that will be scrutinized by the MCC; then, presented to Council at the August meeting.

Mr. Labriola stated the project is going along very well. All subcontractors have been assigned to the project. The retention ponds have been dug and are full of water. The earthquake drains have been installed. The pad is at grade and near compaction with the slab coming in the next few weeks.

Mrs. Johnson reported the Arts and Cultural Events Council's year has ended with an annual report to follow. She indicated contracts for the next season's events have been sent out and the Season

Planner is expected out in August. She noted the first event will be the Charleston Jazz Orchestra on August 7th at East Beach, Piano Bar in September, and season events beginning in October.

Mrs. Johnson stated the *Environmental Committee* will be meeting on July 12th. On the agenda will be potential programs for the coming year.

Mr. Weaver had no report for the Public Safety Committee

X. Town Administrator's Report:

Ms. Tillerson reported the Town and the Community Association are working on updating the current alligator protocol to be circulated to the Resort, rental companies, residents, and guests. Due to the event in Florida, the Town has had an increased call volume on what had been described as aggressive alligators with more than a usual amount having been removed.

Mr. Weaver added there are three areas which are the focus of review:

- making sure that there is proper and consistent signage,
- communications between the entities fielding calls is in place so information is shared,
- proper training is in place

Ms. Tillerson reported work on the new website is progressing with an expectation of going live in the fall.

XI. Mayor's Report:

Mayor Lipuma read the letter sent by Mr. Rhoad to Mr. Robert Durr, the investigator with the FBI. The letter requested an update of the progress of their investigation into the alleged improprieties of the former Town Treasurer and Administrator. He noted Mr. Rhoad contacted representatives in the offices of Mark Sanford and Tim Scott for help to intercede on the Town's behalf. Mr. Rhoad indicated the request was declined for the reason that a legislative office cannot be accused of trying to influence law enforcement.

Mr. Wilson asked if the information could be forwarded to the State Prosecutor's Office. Mr. Rhoad confirmed the information could be forwarded should Council want to pursue that route, he also reminded members of the option of filing a civil suit.

Mayor Lipuma reported on the work being done with the Mr. Ciancio, Mayor of Seabrook, to lobby for the improvement of Johns Island roads. He stated they met with Charleston Mayor Tecklenberg to discuss consideration of a roadway to cross Johns Island. Presented was a report done by Paul Roberts which included traffic counts, a proposed route that did not depend on the completion of I-526.

Mayor Lipuma stated that on June 20th he and Mayor Ciancio attended the County's half-cent sales tax referendum. The meeting did not allow for presentations so the prepared statements were left at the meeting. He stated they also met with the Johns Island Task Force who supports a road across

Johns Island and the John Island Community Association made up of young professionals with interesting ideas for the future of Johns Island.

Mr. Wilson added that on June 27th he, Mr. Roberts, and Mayor Ciancio met with Mr. Thigpen, head of roads with Charleston County. Presented were traffic models Mr. Roberts requested from BCD COGS. He noted the study called attention to the intersection of Maybank and River Road as a major future problem. He stated the County has planned a three-lane pitchfork project for this area.

XII. Citizen's Comments:

Wendy Kulick – 38 Marsh Edge Lane

Ms. Kulick thanked Council for her appointment to the BZA and encouraged Council to keep pushing for the case information be forwarded to the State Prosecutor's Office stating from what she saw in the forensic accountant's report a majority of the alleged embezzlement did not violate federal law.

Dennis McGill – 100 Pleasant Valley Drive

Mr. McGill stated he agreed with the assessment the new attorney should not be an employee of the Town and referred to the earlier research he did into the comparison of the attorney's fees paid by Seabrook. He also suggested a "not to exceed" limit on the contract amount.

Mayor Lipuma stated you cannot directly compare attorney fees with Seabrook due to Seabrook having a Property Owners Association which is responsible for number of items.

Mr. Labriola stated that since this issue had been brought up a number of times, he requested Mr. Rhoad contact the attorney for Seabrook to obtain confirmation.

Mr. McGill continued with his comment that he felt a great deal of time was wasted with the requirement the attorney attend every Town Council meeting. He stated very rarely is there a question of law during the Town Council meeting and the attorney could attend by phone. He noted that most attorneys prefer to give a written answer to a question after doing research.

Marilyn Larach – 1082 Terrapin Court

Mrs. Larach stated she shared Council's frustration on the Johns Island roads situation and the likelihood that the half penny sales tax will be passed with no benefit to Kiawah and Seabrook Islands. Her suggestion would be for Kiawah, and Seabrook in conjunction with Johns Island groups could take County Council Representatives on jaunts getting on and off the Island during rush hours pointing out the beautiful oaks.

Mr. Wilson indicated the projects for the penny sales tax increase had already been selected without any input from the Island. Mayor Lipuma stated no notification was given prior to the decision being made to consider a tax increase and the projects to be funded.

Jimmy Bailey – Kiawah Island Community Association - 23 Beachwalker Drive

Mr. Bailey reported 38,000 vehicles passed through the Main gate from Friday to Monday of the July 4th holiday. He also thanked Town staff for their cooperation in working together on any number of issues from alligator protocols, security issues and the coordination the release of needed communications.

Mr. Bailey stated the Johns Island Task Force, which is being led by residents of Johns Island, includes representatives from the Coastal Conservation League and the Low Country Land Trust. He noted they have put together a position statement which all the entities on Johns Island have sign off on and states the priorities on Johns Island were Main Road and Hwy 17, Main Road, Maybank Road entering onto Johns Island and a cross island road of some kind. He applauded everyone with their efforts in the work that had been done.

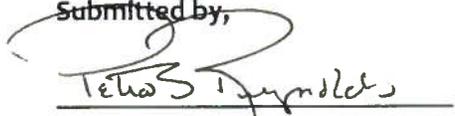
XIII. Council Member Comments:

None

XIV. Adjournment:

Mr. Labriola motioned to adjourn the meeting at 4:31 pm. The motion was seconded by Mr. Wilson and carried unanimously.

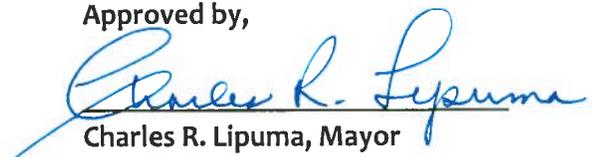
Submitted by,



Petra S. Reynolds

Petra S. Reynolds, Town Clerk

Approved by,



Charles R. Lipuma

Charles R. Lipuma, Mayor

08/05/16

Date