

**WAYS & MEANS COMMITTEE MEETING**  
Kiawah Island Municipal Center  
Council Chambers  
September 27, 2016; 2:00 PM

**MINUTES**

**I. Call to Order: Mr. Labriola called the meeting to order at 2:00pm.**

**II. Pledge of Allegiance**

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

**IV. Roll Call:**

Present: John D. Labriola, Mayor Pro Tempore  
Charles R. Lipuma, Mayor  
John Wilson  
Craig Weaver

By Telephone: Mary Johnson

Also Present: Dorota Szubert, Town Treasurer  
Petra Reynolds, Town Clerk

**V. Approval of Minutes:**

**A. Ways & Means Committee Meeting of August 30, 2016**

*Mayor Lipuma made a motion to approve the minutes of the August 30, 2016 Ways and Means Committee Meeting. The motion was seconded by Mr. Wilson and the minutes were unanimously approved as amended.*

**B. Special Ways & Means Committee Meeting of September 13, 2016**

*Mayor Lipuma made a motion to approve the minutes of the September 13, 2016 Special Ways and Means Committee Meeting. The motion was seconded by Mr. Weaver and the minutes were unanimously approved as amended.*

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

**Wendy Kulick – 38 Marsh Edge Lane**

Mrs. Kulick called attention to the resume for Mr. Harrell, one of the candidates for the Town Attorney position. It stated he won the case for the Town in which a suit was brought by a visitor who was hurt on the Island. She stated it was her recollection the case was not won, but rather the Town was dismissed from the case as a defendant due to the accident occurring on Community Association property. She indicated that, though a small, the choice of words matter when choosing an attorney whose words could have a significant impact on future Town Councils.

## **Dennis McGill – 100 Pleasant Valley Drive**

Mr. McGill spoke to the selection committee appointed by the Mayor tasked to select a new Town Attorney. He stated the committee recommendations indicated the new attorney would;

- not be a Town employee,
- under contract, would work an average of 10 hours per week at a rate of \$160.00 per hour,
- did not recommend a law firm

He questioned that two of applicants are law firms which goes against the recommendations.

**Mr. Wilson clarified the committee did not want a law firm that would charge the Town and hourly rate but rather a fixed price of \$80,000.00 per year for representation. He added that applicants were dropped from consideration if they submitted an hourly rate.**

Mr. McGill questioned why a Request from Qualifications (RFQ) was released rather than the original Request for Proposal (RFP) which would show the applicants' hourly rate. He indicated the recommendation was for a rate of not more than \$160.00 but questioned the "guarantee" of 10 hours of work per week.

**Mr. Wilson clarified that the 10 hours was an approximated time the attorney is expected to work for an annual amount of \$80,000.00.**

Mr. McGill expressed his option that this Council does not have the authority to appoint a new attorney and questioned why there such a rush. He indicated that with the current attorney not retiring until the first of the year, why not wait until the new Council is in place, letting them appoint the new attorney.

**Mayor Lipuma affirmed the present members are elected to Town Council until such time as new elections are held or members resign. They have the authority to make the decision to appoint a new Town Attorney. He also stated with several months' notice having been given, it gave time for a selection process to take place, and a decision to be made for a new attorney to begin work on January 1<sup>st</sup> along with the new Council.**

## **Dave DeStefano – 31 Burrows Hall**

Mr. DeStefano addressed Mrs. Kulick's earlier comment by stating a case dismissed is a case won. He also stated it is this Council's responsibility to now appoint a new Town Attorney so there in no gap in coverage, unless Mr. Rhoad could be persuaded to stay on until time the new Council can follow the same process of selection. Mr. DeStefano spoke to the earlier comment on RFP verses RFQ. He stated an RFP would have solicited proposals for the payment amount for services rendered by individuals or firms. He felt it was appropriate to issue an RFQ once the Committee reach a decision to search individuals or firms that were willing to accept \$80,000.00 per year.

## **VII. Old Business: None**

**VIII. New Business:**

**A. Request to Approve Accurate Window Cleaning Contract Amendment**

Mr. Lameo stated Accurate Window Cleaning has been contracted with the Town since 2011 to clean the exterior of the building including windows and gutters. Their contract expires October 30, 2016 and they have completed their contractual time period of three (3) years and two (2) one-year extensions. Because our tentative completion dates for the new Municipal Building being June 2017, the staff would need to request bids for both buildings. Because the stage of construction is such that a complete and proper bid for the new building would be impossible until its completion and the present building would only need cleaning for seven months. Extension of the active contract at its present cost would carry the Town through a seamless transition prior to the new building being bid out.

**Mr. Wilson made a motion to recommend to Town Council the approval of the Accurate Window Cleaning Contract Amendment. The motion was seconded by Mr. Weaver and unanimously approved.**

**IX. Chairman's Report:**

Mr. Labriola stated there were questions raised referencing the selection of the new Town Attorney, some of which had already been addressed. Responding to the question on the selection, the Committee met and discussed the Town's desire for the Town Attorney not be an employee or to be charges based on billable hours. Following the discussion and taking into consideration the number of meetings to attend, the frequency they would have to be on-site and the rate for a Municipal Attorney, made the determination of ten hours per week and a rate of \$160.00 per hour. He indicated the next Town Council when reviewing for the next contract will have to determine if the calculations were correct or need to be adjusted.

**X. Treasurer's Report:**

Mrs. Szubert reported the audit report will be presented at next Tuesday's Town Council meeting. She stated the detail of the last two months month's budget to actuals were also reviewed by Ms. Tillerson and Department Heads with no significant variances to report. The budget to actuals will be reported to the Committee on a quarterly basis as requested.

Mrs. Szubert reported the Town's Accounting Manual was still a work in progress. She noted the manual not being completed would be one of the comments made by the auditors during their report.

**XI. Citizen Comments:**

**Dennis McGill – 100 Pleasant Valley Drive**

Mr. McGill quoted the Town Municipal Code on Council's duty to appoint the Town Attorney, along with other positions, at the first meeting of each year. He reviewed the duties of the Town Attorney and stated there has never been a requirement or need for the attorney to sit

in on Council or Ways and Means meetings. He also made a comparison to the amount paid for legal services by the Town of Seabrook Island.

**Wendy Kulick – 38 Marsh Edge Lane**

Ms. Kulick stated it was refreshing to hear members of the Committee answer or provide the appropriate information as questions were asked at today's meeting.

**XII. Committee Member's Comments:**

**Mr. Weaver** reinforced the Mayor's earlier comment on the appointment of a new Town Attorney. He stated that Council only has a two-year term and following an election, it will take them a couple of months to get acclimated to their roles. He also felt it could become problematic if Council began deferring decisions two to three months before an election and that Council should be doing business up to the election. He also felt that the experience this sitting Council has on the workings of the Town working them in a better position to make a decision for the Town.

**Mrs. Johnson** expressed her concern at the Committee not having interviewed the individuals and firms that were considered before a recommendation was made.

**Mayor Lipuma** had no additional comment.

**Mr. Wilson** stated the Search Committee of two members of Council, the administrator and an attorney spent many hours trying to determine what was best for the Town in terms representation and how to acquire it. The Committee then through a very measured, thorough, and detailed evaluation of the submissions to determine the best choice as a recommendation for consideration by Council.

**Mr. Labriola made a motion to move into Executive Session to discuss the applicants who responded to the Request for Qualifications (RFQ) for a new Town Attorney and make recommendations to Town Council, and to discuss annual performance appraisal for Town Administrator. The motion was seconded by Mayor Lipuma and unanimously passed.**

**XIII. Executive Session:**

- A.** To discuss the applicants who responded to the Request for Qualifications (RFQ) for a new Town Attorney and make recommendations to Town Council.
- B.** To discuss Annual Performance Appraisal for Town Administrator.

Upon returning from Executive Session, Mr. Labriola stated the Search Committee appointed by the Mayor unanimously recommended the Green Law Firm for consideration by the Ways and Means Committee as the new Town Attorney.

**Following discussion Mr. Labriola made a motion Town Attorney Dennis Rhoad enter into negotiations with the Green Law Office for legal services at a rate of \$80,000.00 for the year 2017. The contract recommendation will be brought to the Ways and Means Committee no**

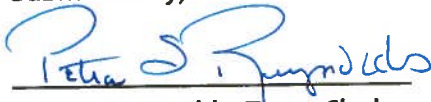
*later than the October meeting for approval by Town Council no later than the November meeting. The motion was seconded by Mr. Weaver and unanimously passed.*

Mr. Labriola stated the Mayor reviewed with members of the Ways and Means Committee the results of his performance appraisal of Ms. Tillerson, the Town Administrator. It was the unanimous consensus of the members that Ms. Tillerson has done an exemplary job.

**XIV. Adjournment:**

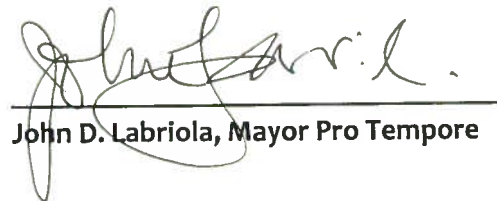
*Mayor Lipuma made a motion to adjourn the meeting at 3:52 pm. The motion was seconded by Mr. Wilson and unanimously approved.*

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



John D. Labriola, Mayor Pro Tempore

10-31-2014

Date