

**TOWN COUNCIL MEETING**  
Kiawah Island Municipal Center  
Council Chambers  
November 1, 2016; 2:00 PM

**AGENDA**

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  
Mary Q. Johnson  
John Wilson  
Craig Weaver

Absent: John D. Labriola, Mayor Pro-Tempore

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 September 6, 2016

*Mr. Wilson made a motion to approve the minutes of the September 6, 2016 Town Council Public Hearing. The motion was seconded by Mr. Weaver and the minutes were unanimously passed.*

B. Minutes of the Town Council Meeting of September 6, 2016

*Mrs. Wilson made a motion to approve the minutes of the September 6, 2016 Town Council Meeting. The motion was seconded by Mr. Weaver and the minutes were unanimously passed as amended.*

C. Minutes of the Special Town Council Meeting of September 13, 2016

*Mrs. Wilson made a motion to approve the minutes of the September 13, 2016 Special Town Council Meeting. The motion was seconded by Mr. Weaver and the minutes were unanimously passed as amended.*

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

VII. **Presentations:**

A. Presentation of Outstanding Service Award to Mr. Paul Roberts

Mayor Lipuma presented Mr. Roberts an Outstanding Service Award in recognition of the consulting services he had provided to the Town and the Community Association on John's Island Road planning since 2005.

#### **B. Cobble Hill Website Redesign Presentation**

Mr. Weaver stated that last year Council approved funding of a complete redesign of the Town's website. Cobble Hill was awarded the contract and has been working with Mrs. Braswell-Edgerton and her team in development of the website. The focus was to make the site more user friendly, interesting, and easier to navigate. He indicated it is not the finished design and content has not been uploaded but he asked for feedback on the presentation.

Mr. Austin Dandridge, with Cobble Hill, presented an initial overview of the new design, look and feel of Town's new website.

#### **C. Greene, Finney and Horton FY 2015/2016 Audit Presentation**

Mr. Wilson stated this was the second presentation of the annual audit to Council from the outside auditor. He requested that only members of Council ask questions during the presentation.

Ms. Emily Sobczak with Green Finney and Horton made a presentation of the Town's Fiscal Year 2015-2016 audit report. She reviewed the Town's audit with a PowerPoint presentation to highlight the results of the audit and the financial condition of the Town as of June 30, 2016. Items discussed were:

- Responsibilities of the Town and of Audit firm
- Auditor opinion – the Town received an “*Unmodified Opinion*”
- Town's Financial Condition
  - Good financial condition as of June 30, 2016
- Town's General Fund Balance; Revenues and Expenditures
  - Unassigned fund balance is \$5.4M
    - Revenues - \$5.2 million for 2016; \$540k or 11.5% higher than budget
    - Expenditures - \$1.5M (23.4%) decrease from 2015
- Management Letter - Auditor's Findings and Recommendations
  - Compliance - No findings noted
  - Recommendations – Completing;
    - Accounting Policies and Procedures Manual
    - Fraud Risk Management Program

#### **Mr. Jimmy Bailey, COO – Kiawah Island Community Association**

Mr. Bailey expressed his appreciation to the Town and Ms. Tillerson for their leadership and spirit of cooperation leading up to, during, and after Hurricane Mathew.

### **VIII. Old Business:**

- #### **A. Ordinance 2016-07 – An Ordinance to Re-Zone Parcel 207-05-00-116 to R-3/C Residential/Commercial Zoning District and to Amend Article 12, Section 12-62, Zoning Map Accordingly – Second Reading**

**Mrs. Johnson made a motion to approve the second 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.**

**B. Ordinance 2016-08 - An Ordinance to Amend the Town of Kiawah Island Comprehensive Plan Map 1x.2, Future Land Use; To Change the Future Land Use Designation for the Subject Property (207-05-00-116) from “Civic and Institutional” to “Mixed Use (Residential Commercial)” – Second Reading**

**Mr. Weaver made a motion to approve the second reading of Ordinance 2016-08 to amend the Comprehensive Plan Map. The motion was seconded by Mr. Wilson and unanimously passed.**

**IX. New Business:**

**A. Approval of Accurate Window Cleaning Contract Amendment**

Ms. Tillerson stated the Ways and Means Committee reviewed the contract amendment and recommended approval. She 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. With tentative completion dates for the new Municipal Building being July 2017, 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 approve the Accurate Window Cleaning Contract Amendment. The motion was seconded by Mr. Weaver and was unanimously approved.**

**B. Approval of Contractor Selection for Beachwalker Drive Drainage Improvements**

Ms. Tillerson stated the Ways and Means Committee reviewed the contract amendment at the October meeting and recommended approval.

Mr. Lameo stated the Town contracted with W.K. Dickson Engineering to perform an analysis of the aging storm drainage infrastructure from the Parkway to Beachwalker Drive to Town Hall. The system report which outlined the needed repairs was presented to the Town with a list of repairs and project was issued a “Request to Bid” per our regulations.

Bids were completed and returned from four companies, opened and reviewed by our engineering firm and Town staff. IPW Construction Group, LLC of North Charleston was the low bid at \$139,071.60 and was found to meet the qualification requirements submitted in accordance with Section 01110 of the Specifications. Ways and Means Committee recommended approval and award of this contract to IPW Construction Group, LLC.

**Mayor Lipuma made a motion to approve the proposal from IPW Construction Group, LLC in the amount of \$139,071.60 for storm drainage infrastructure repairs. The motion was seconded by Mr. Weaver and was unanimously passed.**

**C. Approval of Amendment to Beach Patrol Contract**

Ms. Tillerson stated the Ways and Means Committee reviewed the contract amendment at the October meeting and recommended approval

Mr. Lameo stated the Town has contracted with Island Beach Services to supply Patrol Services for the beach and its present contract time period of three (3) years and two (2) one-year extensions has run its term, ending October 31, 2016.

Due to the recent storms, the Town has been preoccupied with debris removal and will need additional time to create and send out the required bid packages for this contract. During this time, the staff would request extending the present contract up to a maximum six months or such time as the bids are returned and approved.

***Mayor Lipuma made a motion to approve the Amendment to Beach Patrol Contract up to a maximum six months. The motion was seconded by Mr. Weaver and unanimously passed.***

**D. Approval Selection of new Town Attorney and a One-Year Contract for Town Attorney Services Effective January 1, 2017**

Mayor Lipuma stated that previous discussion outlined the scope, need, and search for a new Town Attorney which resulted in the recommendation of Mr. Dwayne Green of the Green Law Offices.

As a member of the Search Committee Mr. Wilson stated the Committee went through an exhaustive search process with the release of a Request for Qualification (RFQ) which resulted in six applicants. The six were evaluated and narrowed to two applicants. Both were interviewed with the selection by unanimous vote, with Mr. Green as the recommended candidate. Mr. Wilson stated Mr. Green was a highly qualified and experienced Municipal attorney.

***Mr. Wilson made a motion to approve Mr. Green and Green Law Offices and enter into a one-year contract in the amount of \$80,000.00 beginning January 1, 2017. The motion was seconded by Mr. Weaver and was unanimously passed.***

**X. Committee Reports:**

**Mr. Wilson** stated he had no committee reports but reported on the continuing work being done on the Johns Island Roads area. He stated Mr. Roberts is working on a proposal for grant funding to do an engineering study on a bikeway that crosses Johns Island. He added the Mayor is going to speak with Mayor Tecklenberg to discuss possible support from the City of Charleston for the study and help funding the cost that is not covered by the grant. Members engaged in an in-depth discussion of the study.

**Mrs. Johnson** reported on the upcoming Arts Council events:

- Charleston Symphony Orchestra on Saturday, November 5<sup>th</sup> at East Beach at 5:00pm
- Rescheduled Jeanne Robertson, humorist, November 9<sup>th</sup> at East Beach at 7:30pm
- USC Concert Choir, November 18<sup>th</sup> at Church of Our Savior at 7:30pm

Mrs. Johnson stated Environmental Committee will be meeting next week, Tuesday, November 8<sup>th</sup>.

**Mr. Weaver** reported the Public Safety Committee will be working on the assessment of the Town's Emergency Plan from the Hurricane. He indicated work has begun with Ms. Tillerson will be evaluating staff on their roles and the response. Mr. Cave, the Town's consultant, will begin interviewing Council members for their input and reactions, and input will be compiled from all the different agencies involved along with the different entities on the Island. Mr. Weaver stated resident input will also be requested for different areas such as communications.

Mr. Weaver reported on the Fire District's Capital Improvement Plan which includes the rebuilding both the Stations on the Island. One of the advantages of the new stations is they will allow for the increase in the number of firefighters and apparatus which can be housed in the facility thereby increasing the number of firefighters on each apparatus.

Mr. Weaver stated a variance was required and submitted to the Board of Zoning Appeals (BZA) for the rebuilding of station on Flyway. The BZA approved the request at the October 17<sup>th</sup> meeting and construction should begin in the near future.

**Mayor Lipuma** reported on the new Municipal Center stating that steel work is ongoing for the main building and garage with sheathing expected to begin in the next week. Completion of the project is in July of 2017, the small delay coming due to storms. The Mayor indicated he was pleased with the work that had been performed by the contractor.

#### **XI. Town Administrator's Report:**

Ms. Tillerson stated Mr. Lameo and Mr. Jordan would be presenting reports on the status of beach and boardwalks.

Mr. Jordan stated that immediately following the storm he did a GPS survey and compared it to a survey done before the storm. He estimated a 20 to 100 feet erosion rate, depending on the section which was confirmed, in more detail, by the letter received the Town yesterday from Coastal Science and Engineering. He reviewed the highlights of the report;

##### **Beach Update**

- *Kiawah is fortunate to have an expansive healthy, dune system that weathered the storm well*
- *Kiawah's beach suffered significant erosion during Hurricane Matthew.*
  - *Erosion rates averaged 20-75 feet*
  - *Highest rates at Captain Sam's spit*
  - *30 feet at Sanctuary*
  - *20 feet at Ocean Course*
- *Storm surge and heavy surf flattens the beach profile and removes sand from the upper beach and deposits it on the lower beach or in underwater bars*
- *Beach will naturally heal as sand from these areas migrates back up the profile to the dunes. CSE expects significant recovery in the months ahead with most recovery-taking place after the winter season. Beaches generally erode during fall and winter (higher tides, NE winds) and accrete during spring/summer (lower tides, S winds)*

##### **Recommendations**

- *Beach Walkovers*

- o *Damaged portions of walkovers should be removed from the beach and rebuilt with the seaward end of the steps as close to the existing primary dune as possible. Ideally, beach should be allowed to recover before significant reconstruction takes place.*
- *Sand Fencing*
  - o *Installation of sand fencing is useful for promoting dune growth in flat, dry sand areas*
  - o *CSE does not believe sand fencing is necessary at this time*
  - o *If sand fencing is used in certain areas, it would be more beneficial to delay installation until the spring season (prior to 1 May for turtle concerns) to benefit from the natural beach recovery cycle and avoid potential washout of fencing during winter storms.*
  - o *Installation of sand fencing will need to be accomplished under a SCDHEC–OCRM general permit. It will take about 45 days to get permit at an approximate cost of \$3,000.*
- *Beach Repair*
  - o *CSE does not recommend beach scraping or other emergency measures allowable under OCRM emergency orders as the overall health of Kiawah Island will promote natural recovery.*
- *Monitoring*
  - o *CSE is scheduled to complete our annual beach survey in the upcoming weeks. These data will be used to determine overall beach volume changes and local impacts.*
  - o *The Town may should consider another monitoring effort in 3–6 months to document recovery of the dune and monitor potentially threatened areas.*
  - o *Annual report will be delivered in February/March 2017 and will include detailed recommendations on sand fencing if applicable*

Mr. Wilson asked if work can be done under the permit obtained for the pervious beach nourishment project. Mr. Jordan confirmed that the permit issued in 2015 was amended to allow sand fencing on the east end until 2019. He added the Town could also apply for a permit to cover the rest of the beach if it deemed necessary. Mayor Lipuma stated if the permit has a modest cost he felt the Town should move ahead to with the permitting so it would be in place should sand fencing need to be installed in a particular area.

Mr. Lameo reported that following the storm the most extensive damage was done to the beach and boardwalks. There are approximate 175 public and private boardwalks along the beach. Following the storm 80% to 85% of them were either damaged or destroyed. All the debris has been removed from the beach and is now in the recovery phase. All boardwalk repair or replacement requests are being forwarded to the ARB who will, along with Mr. Lameo, inspect the boardwalks to make recommendations. Mr. Lameo stated that there were:

- 5 public boardwalks open,
- 18 private boardwalks being repaired,
- 6 boardwalks that are under review,
- 20 boardwalks that extend over 10 feet onto the active beach,
- 3 owners constructing without review and nonconforming
- All markers were washed away and each boardwalk owner is having to be identified

Homeowners will be notified how long they have to make the necessary repairs or modifications to their boardwalk or if the boardwalk is a safety hazard and needs to be immediately addressed.

Mr. Lameo stated that of the 42 trash containers along the beach, 4 were able to be salvaged. The Town has contracted for the containers to be replaced eight to ten at a time. He added that all vehicle accesses are passable and will be re-graded will rocks in the spring.

Ms. Tillerson stated that Town and Community Association staff did an outstanding job working together pre and post hurricane.

**XII. Mayor's Report:**

Mayor Lipuma stated the closing has taken place for the sale of Town Hall building and site to the Community Association. He added that the closing for the three million dollars loan had also taken place with proceeds from both used as part of the funding for the new Municipal Center.

**XIII. Citizen Comments:**

**Dennis McGill – 100 Pleasant Valley Drive**

Mr. McGill stated the minutes are not being posted in a timely manner. He added that copies of contracts being considered are also not being posted and suggested that both be posted on the Town's website before the meeting.

Mr. McGill stated by Town Ordinance, the positions of Town Clerk, Treasurer, Attorney, and Judge are appointed by Council. In his interpretation of Town Ordinance, the decision of the contract and appointment should be made by the incoming, not outgoing, Council and could be rejected by the incoming Council. He also expressed his opinion that the Town Attorney is not required to be present at all Council meetings.

**Mr. Rhoad responded by stating Town Ordinance does require the Town Attorney attend Council meeting. He stated the new Council has the prerogative to make the decision not to appoint the Attorney in January; the attorney serves at the will and pleasure of Council. It was the decision of this Council that it was in the best interest of the Town not to have a gap in legal services.**

**Wendy Kulick – 38 Marsh Edge Lane**

Mrs. Kulick called attention to the "Meet the Candidates" night, sponsored by the Community Association, on November 14th, and indicated that she had not noted any notice of the event by the Town. She also asked when the Town will send out the responses to questions not answered at Council meetings and will the responses be released to the public.

**XIV. Council Member Comments:**

Mr. Wilson added to his earlier report on Johns Island Roads by calling attention to the fact that unless one go by boat, all roads that take residents of Kiawah, Seabrook, and Wadmalaw to the mainland are in unincorporated Johns Island or the City of Charleston and that is why the focus has been on these roads for many years and why the interest in the study for the bike path.

Mayor Lipuma showed a copy of the Town Notes which provides summaries of the mayoral and Council candidates. It notices the "Meet the Candidates" night at the Sandcastle a 6:00pm.

**XV. Adjournment:**

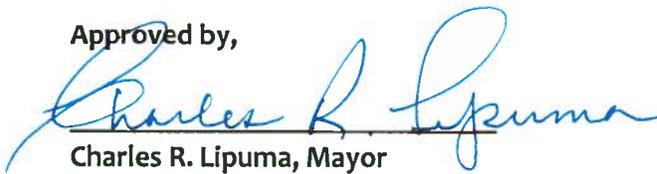
*Mr. Weaver motioned to adjourn the meeting at 3:44 pm. The motion was seconded by Mr. Wilson and carried unanimously.*

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Charles R. Lipuma, Mayor

01/03/17

Date