

Town of Kiawah Island
INFRASTRUCTURE & PUBLIC WORKS COMMITTEE
Council Chambers Meeting Room
March 6, 2025; 10:00 am

Minutes

I. **Call to Order:** *Chairman Spencer called the meeting to order at 10:00 am.*

II. **Roll Call:**

Present at the Meeting: David DeStefano
Philip Mancusi-Ungaro
Brad McIlvain
John Shippee
Warren Stannard

Also Present: Brad Belt, *Mayor*
Russell Berner, *Mayor Pro Tem*
Dorota Szubert, *Finance Director*
Brian Gottshalk, *Public Works Director*
Patrea St. John, *Planner 1/ Landscape & Tree Preservation Specialist*

Chairman Spencer welcomed everyone to the inaugural meeting of the revamped and reconstituted Infrastructure and Public Works Committee, asking members to introduce themselves and share their backgrounds and areas of expertise.

Chairman Spencer introduced himself as a member of the Town Council, a retired Air Force officer, and a senior executive with AT&T, bringing a background in telecommunications infrastructure.

Mayor Pro Tem Berner discussed his extensive background in construction, including his role in helping with the contracting and inspection of upcoming projects.

Mr. Gottshalk introduced himself as the Public Works Director.

Ms. Szubert introduced herself as the Finance Director, expressing her role in learning about any upcoming large projects and their associated financial implications.

Mr. Stannard stated that his background was in civil engineering and that he was familiar with local roads and streets.

Ms. St. John in a planner with the Town and

Mr. Shippee had a 35-year background in investment management.

Mr. DeStefano introduced himself as an outgoing six-year member of the KICA board, with a 20-year background in commercial and industrial construction, as well as 35 years of experience as a construction attorney.

Mr. McElveen introduced himself as a retired attorney, also possessing undergraduate training in mechanical engineering, with extensive experience in construction, and a former member of the KICA board.

Mr. Mancusi-Ungaro retired from the Environmental Protection Agency after 29 years. As a senior attorney, he worked primarily in water law, as well as in NEPA, which involved numerous large-scale development projects. Prior to attending law school, he was a water quality biologist for the State of South Carolina.

III. Citizens' Comments (Agenda Items Only):

None

IV. Approval of Minutes:

None

V. Old Business:

None

VI. New Business:

A. Kickoff and Charter Review

Chairman Spencer mentions the inclusion of the charter in the meeting packet and asks if there are any questions about it. He stated that the charter aims to grant the committee the necessary authority while aligning with the structure of other town committees.

Chairman Spencer emphasizes the cross-cutting nature of Infrastructure and Public Works, noting numerous touchpoints with safety, planning, and virtually every aspect of town operations, which will require collaboration with those committees as needed.

B. Consideration of Hiring a Consultant to Explore the Purchase of Kiawah Island Utility

Chairman Spencer stated that one of the Mayor's initiatives for the committee includes exploring the purchase of Kiawah Island Utility (KIU). He stated that Seabrook owns Seabrook Island Utility, an arrangement beneficial to the municipality.

Chairman Spencer discussed that the Town is also exploring a solution to transition the Town Hall Complex from its current septic system. It had explored hooking up to the sewer systems with Seabrook Island Utility and Kiawah Island Utility. Mr. Gottshalk added that the importance of getting off the septic system was not only environmental, but the septic field also makes the area behind the maintenance building unusable.

Mayor Pro Tem Berner mentioned an upcoming meeting with Ms. Becky Dennis from Kiawah Island Utility to discuss current excess capacity.

The Committee discussed the historical background of KIU, the Town's interest in purchasing the utility, and the need for a consultant to evaluate the utility's infrastructure and financials. Also discussed were the potential benefits of purchasing Kiawah Island Utility, including rate control and better visibility into the utility's operations.

Mayor Belt highlights the potential economic and community benefits of owning the utility, including lower costs and improved infrastructure investment. The Committee Members reviewed several items that needed to be considered and analyzed.

Mayor Belt stated that it was his intention for the committee to provide an analysis of a wide variety of different aspects, including all of the island's infrastructure, utilities; water and wastewater, telecommunications, and franchise agreements, providing details of each.

The Committee discussed inspections of the Kiawah Island Parkway Bridge. Mr. Gottshalk stated that the last inspection was in 2023, with no recommendation made.

Returning to the infrastructure discussion, Mayor Belt expected the committee to formally invite each service provider to a meeting, make a presentation, and address any questions it may have. If the providers are less than forthcoming, that is the time to look at other options.

Mayor Belt stated that the Committee should determine what information it can legally request or demand, and also recognize that, as a private company, not all records will be publicly available.

The discussion included whether the Committee wants to investigate the legal framework that governs their interactions and determines the extent of their authority to request information, as well as any limitations that might exist under state law. Additionally, it explored whether there are regulatory tools that need to be considered for implementation.

For example, Mayor Belt stated that the Council has just approved the first reading of a new encroachment ordinance. This is a fairly robust regulatory tool regarding all the Town's roads and right-of-way.

The Committee considered establishing a legal subcommittee to review each franchise agreement with Berkley Electric, AT&T, and Comcast and then map those against state law and our ordinance requirements.

The Committee discusses the lack of knowledge about the infrastructure, including what is currently in place, what is yet to be developed, the investments being made, its resilience, and the emergency preparedness plans in the event of a major storm. Also discussed was the resiliency of the Town's electrical infrastructure and the need for better control over utility services.

Following the discussion, Mayor Belt stated that a more formalized request process is needed, one that includes a letter from the chair of the committee, the mayor, or an attorney.

The Committee discussed the importance of understanding the Town's drainage infrastructure, highlighting the need for regular maintenance and cleaning, as well as obtaining any available records and plans.

The Committee discussed ownership issues related to various parcels, the need for clear records and maps, and the potential for a living shoreline project around the Kiawah River Bridge, which would involve multiple entities and require consideration of various regulatory factors.

Chairman Spencer emphasized that the committee has a wealth of expertise and, as topics are discussed, encouraged members to identify areas where they can make a meaningful contribution.

The Committee discussed the approach to requesting information from utility providers, including the topics to be covered and expectations, while also considering the legal review by the established subcommittee. Mayor Belt noted that if required, he authorized the subcommittee to reach out to the Town Attorneys or the General Counsel at the Municipal Association of South Carolina for legal advice.

The Committee discussed plans to continue discussions on the potential purchase of Kiawah Island Utility and the consideration of engaging consultants in future meetings. Also discussed were the potential use of eminent domain, the importance of understanding the utility's infrastructure and financial health, as well as the legal framework and regulatory tools available for the acquisition and management of utilities.

The Committee discussed the past assessment of raising Kiawah Island Parkway around the Mingo Curve and the entire Parkway, the conclusions reached at that time, and whether two flooding incidents in the past two years currently justify spending a couple of million dollars.

Mayor Belt discusses the assessment of public assets, including their placement and associated costs. Ms. Szubert and her team will lead the assessment to ensure sufficient reserves are available for repairs and replacements. Most assets are insured, but roads are not; therefore, it is essential to ensure that there is sufficient funding to repair and replace them.

C. Cellular and Fiber to the Home Improvements Update

The Committee discussed an agreement between the Kiawah Island Community Association (KICA) and Comcast, which obligates them to certain rights on the island. However, these rights cannot be terminated and will expire soon.

Mayor Belt noted that the agreement with Comcast is more of a KICA issue than a Town issue. As a revenue source, the agreement provides KICA with \$330,000 annually for exclusivity, but its overall benefit to the membership is questionable. Mr. DeStefano noted the presence of old copper cables in his house, indicating outdated infrastructure.

Chairman Spencer provided updates on meetings with cellular providers, including Crown Castle and American Tower, which want to improve coverage and bandwidth. The providers are interested in moving from LTE to 5G but have not invested in Kiawah for years due to perceived difficulties. Tower height is a key issue, with a minimum height of 120 feet required for adequate coverage, working with the Planning Commission on potential changes to zoning regulations to allow taller towers. Stealth towers, which are enclosed and less visually intrusive, are being considered to improve signal penetration. There will be follow-up meetings with all the providers.

Chairman Spencer discussed AT&T's interest in installing fiber optic cable. Despite previous misconceptions, they have been informed of the community's desire for fiber and are evaluating how to achieve that. Also mentioned was Verizon's lack of knowledge about existing fiber on the island and AT&T's reluctance to discuss it.

The Committee discussed the number of towers required to cover the island, noting that three towers might be sufficient. The possibility of extending existing towers to 150 feet was also considered, which could simplify the process of adding new towers.

Mayor Belt emphasizes the need for certainty and clarity regarding investment before revising the Town's zoning code and suggested entering into a Memorandum of Understanding (MOU) with cell tower owners and providers. Chairman Spencer stated that an MOU might be ideal but could be a multi-year process and that assurances from providers could suffice.

The community's general covenants and the visibility of towers are discussed, with Mayor Belt noting that additional towers would not be highly visible. The potential impact of new towers on the community's aesthetic and visibility is considered.

D. Review Mayor's List of Initiatives, Prioritize, and Assign Actions

Chairman Spencer stated that the list of initiatives the Mayor had put together had been shared with the members before the meeting, and some were already underway.

Mr. Gottshalk provided updates on the following:

- The landscape maintenance contract was being rebid

- The speed monitoring devices are en route
- The leisure trail project is underway, with a completion date set for mid-next month
- The vegetation issue will have to be discussed with the new land landscape contractor
- Mitigation for the little Rabbit median: working with the design team to get a proposal for a design for a raised median, very similar to what we have at the intersection of the Parkway and Beachwalker Drive

Mr. Gottshalk stated that he had met with the County Public Works Director regarding efforts to improve bike and pedestrian connectivity. The goal is to connect Betsy Harrison Parkway to Freshfields Village and beyond, including a grant application submitted to the County for Phase One.

Mayor Belt stated that the idea is to extend the leisure trail in the Town's right-of-way, crossing Kiawah Island Parkway just before the first entrance to Freshfields Village. Discussion included the challenge of crossing major roads safely and having a connectivity plan in place before building anything. Mayor Belt mentioned a meeting with the county to discuss potential solutions for crossing roads safely.

Mayor Belt discussed the formation of a coalition to maintain the median and right-of-way along Betsy Carson Parkway. The coalition would include stakeholders such as the Resort, the Charleston Airport Authority, and local council members. The project aims to improve tree health, remove invasive vines, and enhance public safety. The potential for utilizing SATAX funds to support the project is mentioned, along with support from various stakeholders and local entities.

Mr. Gottshalk clarified the drainage issue in front of the garage listed had nothing to do with the septic system. During heavier rain events, water will encroach underneath the garage doors, and there were plans to install a trench drain and pipe.

Mayor Belt outlined plans for the Municipal Center Complex, which include adding a new wing to the building, expanding offices, and improving handicapped parking. Also discussed was the need for better visibility and engagement with the CCSO (Charleston County Sheriff's Office), with plans to have them operate out of the Municipal Center.

E. Discussion on Rights of Way Access

Discussed earlier in the meeting.

F. Discussion on Franchise Fees

Regarding the management of utility contracts, Mayor Belt clarified that Ms. Szubert collects monies pursuant to the existing agreements but does not evaluate the terms of those agreements. Discussed was the need to review franchise agreements and franchise fees. Ms. Szubert noted that in the new franchise agreement that Seabrook signed with Berkeley Electric, the franchise fee was increased from 3% to 5% of gross receipts.

The importance of understanding the terms of the agreements and their impact on revenue is emphasized. The need for a legal and business perspective on the agreements is highlighted.

VII. Chairman's Updates

Chairman Spencer thanked everyone for attending and suggested continuing monthly meetings, preferably on the first Thursday of each month from 10:00 to 12:00 am.

VIII. Committee Members' Comments:

Mr. Gottshalk expressed appreciation for everyone's willingness to support this group and the Town in this way and looked forward to getting some of these improvements and projects underway.

The meeting concluded with an in-depth discussion about the Resort's involvement in infrastructure and public works projects, noting that many of the Resort's infrastructure-related issues are more closely tied to KICA matters.

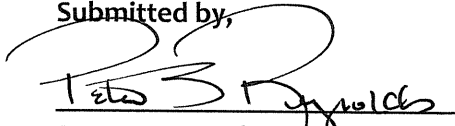
IX. Citizens' Comments:

None

X. Adjournment:

Chairman Spencer adjourned the meeting at 12:03 pm.

Submitted by,


Petra S. Reynolds, Town Clerk

4/8/2025
Date