



# **The Town of Hilton Head Island**

## **Regular Town Council Meeting**

**August 14, 2018**

**4:00 P.M. EXECUTIVE SESSION**

**5:00 P.M. REGULAR MEETING**

**BENJAMIN M. RACUSIN COUNCIL CHAMBERS**

## **AGENDA**

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**As a courtesy to others please turn off/silence ALL mobile devices during the Town Council Meeting.  
Thank You.**

- 1. Call to Order**
- 2. FOIA Compliance** - Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
- 3. Executive Session**
  - a. Legal Advice:**

Receipt of legal advice related to pending, threatened, or potential claim related to:

    - i. ArborNature LLC vs. the Town of Hilton Head Island, et. al.;**
    - ii. Hoagland v. Bennett, Harkins, Likins, Edwards, McCann, Lennox, and Grant; and**
    - iii. Sea Cabin Racquet Club II HPRV v. Town of Hilton Head Island.**
  - b. Personnel / Employment Matters:**
    - i. Discussion of appointments to boards and commissions.**
- 4. Pledge to the Flag – 5:00 p.m.**
- 5. Invocation**
- 6. Proclamations & Commendations - NONE**
- 7. Approval of Minutes**
  - a. Town Council Meeting July 17, 2018**
- 8. Report of the Town Manager**
  - a. Parks & Recreation Bi-Annual Update – Ray Kisiah**
  - b. Gullah-Geechee Preservation Task Force Quarterly Update – Palmer Simmons**
  - c. Annual Report of the Hazard Mitigation Plan – Marcy Benson**
  - d. Bid Results for Coligny Project**
  - e. Municipal Court Update**

## **Report of the Town Manager (cont.)**

- f. Proposed Town Council Meeting Dates for 2019
- g. Items of Interest
  - i. Town News
  - ii. Noteworthy Events

### **9. Reports from Members of Council**

- a. General Reports from Council
- b. Report of the Intergovernmental & Public Safety Committee – Bill Harkins, Chairman
- c. Report of the Community Services Committee – Kim Likins, Chairman
- d. Report of the Public Planning Committee – David Ames, Chairman
- e. Report of the Public Facilities Committee – Marc Grant, Chairman
- f. Report of the Finance & Administrative Committee – John McCann, Chairman

### **10. Appearance by Citizens**

### **11. Unfinished Business**

#### **a. Consideration of a Recommendation – Accommodations Tax Advisory Committee**

Consideration of a Recommendation from the Accommodations Tax Advisory Committee for the Chamber of Commerce Visitor and Convention Bureau’s proposed 2018-19 “30 Percent” Budget.

#### **b. Second Reading of Proposed Ordinance 2018-07**

Second Reading of Proposed Ordinance 2018-07 to amend Chapter 1 of Title 10, (Business and Professional Licenses), of the Municipal Code of the Town of Hilton Head Island, South Carolina, to amend Section 10-1-20, Definitions; to amend Section 10-1-30, Purpose and Duration; to amend Section 10-1-40, License Fee; to amend Section 10-1-50, Registration Required; to amend Section 10-1-80, Display and Transfer; to amend Section 10-1-120, Delinquent License Fees; to repeal Section 10-1-190, Classification Rates Schedules (Exhibit “A”); to amend Chapter 9 of Title 4, (Beach Preservation Fee), Section 4-9-100, Violations and Penalty (Exhibit “B”); to amend Chapter 10 of Title 4, (Local Accommodation Tax), Section 4-10-50, Collections of Local Accommodation Tax (Exhibit “C”); and to amend Chapter 13 of Title 4 (Local Hospitality Tax), Section 4-13-100, Violations and Penalty (Exhibit “D”); and providing for severability and effective date.

#### **c. Second Reading of Proposed Ordinance 2018-10**

Second Reading of Proposed Ordinance 2018-10 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2018; to provide for the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and an effective date.

## **12. New Business**

### **a. First Reading of Proposed Ordinance 2018-11**

First Reading of Proposed Ordinance 2018-11 of the Town of Hilton Head Island, South Carolina, authorizing the execution of a Right-of-Way and Easement Agreement with the South Carolina Public Service Authority to encumber property owned by the Town of Hilton Head Island, South Carolina, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2012), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina, (1983)*; and providing for severability and effective date.

### **b. First Reading of Proposed Ordinance 2018-12**

First Reading of Proposed Ordinance 2018-12 of the Town of Hilton Head Island, South Carolina, authorizing the execution of a Utility Easement Agreement with Hilton Head Public Service District to encumber property owned by the Town of Hilton Head Island, South Carolina, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2012), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina, (1983)*; and providing for severability and effective date.

### **c. Consideration of a Recommendation – Town Dirt Roads Policy**

Consideration of a Recommendation from the Public Facilities Committee that Town Council direct Town staff to pursue the acquisition of public road rights of way on the private, unpaved roads, Mitchelville Lane and Pine Field Road.

### **d. Discussion of a Request from Walter Nester, Attorney, on behalf of the Owner of 407 William Hilton Parkway**

Walter Nester, Attorney, on behalf of the owner of 407 William Hilton Parkway, requests that Town Council provide permission to allow a curb cut onto William Hilton Parkway as required in Article III, Paragraph 6, Subparagraph (a) of the Covenants, Easements, Conditions and Restrictions for Block A, Phase I, Northridge Park.

## **13. Possible actions by Town Council concerning matters discussed in Executive Session**

## **14. Adjournment**

**THE TOWN OF HILTON HEAD ISLAND  
REGULAR TOWN COUNCIL MEETING**

**Date: Tuesday, July 17, 2018**

**Time: 4:00 P.M.**

**Present from Town Council:** David Bennett, *Mayor*; Kim Likins, *Mayor Pro Tempore*; John McCann, Bill Harkins, Marc Grant, Tom Lennox, David Ames, *Council Members*

**Present from Town Staff:** Steve Riley, *Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects & Facilities/Chief Engineer*; Brian Hulbert, *Staff Attorney*; Brad Tadlock, *Fire Chief*; John Troyer, *Finance Director*; Jenn McEwen *Director of Cultural Affairs*; Carolyn Grant, *Communications Director*; Steven Markiw, *Deputy Finance Director*; Ed Boring, *Deputy Fire Chief, Support Services*; Chris Blankenship, *Deputy Fire Chief, Operations*; April Atkins, *Revenue Services Supervisor*; Lorraine Schmidt, *Revenue & Collections Project Manager*; Rene Phillips, *Website Administrator*; Andrew Nicholls, *Systems Analyst*; Krista Wiedmeyer, *Executive Assistant/Town Clerk*

**Present from Media:** Alex Kincaid, *Island Packet*

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**1. Call to Order**

Mayor Bennett called the meeting to order at 4:00 p.m.

**2. FOIA Compliance** - Public notification of this meeting has been published, posted and distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**3. Executive Session**

Mr. Riley stated that he needed an Executive Session for: (a) Legal Matters; discussion of legal advice related to matters pending, threatened, or potential claim related to; (i) ArborNature, LLC vs. the Town of Hilton Head Island, et. al., and (ii) Sewer easements requested by Hilton Head PSD; (b) Land Acquisition Matters; discussions of negotiations incident to the proposed contractual arrangements, sales, or purchase of property in the Beach City Road area, and (c) Personnel/Employment Matters; discussion of the Town Manager's annual performance review and compensation.

At 4:02 p.m. Mrs. Likins moved to go into Executive Session for matters mentioned by the Town Manager. Mr. Harkins seconded. Mr. McCann requested that item 3(c) under Executive Session be moved to the top of the agenda. Mr. Grant requested that Council address a matter that took place over the previous weekend. Mr. Hulbert stated that it is a municipal matter, and due to its pending nature, it is not appropriate to discuss in Executive Session. The motion to go into Executive Session was approved by a vote of 7-0.

Town Council returned to the dais at 5:05 p.m. to begin the Regular portion of the meeting.

**4. Pledge to the Flag**

**5. Invocation**

**6. Proclamations & Commendations – NONE**

**a.** Recognition of the Search & Rescue Efforts for Mr. James Holub

Mayor Bennett made some remarks regarding the agencies involved in the search and rescue efforts of Mr. Holub. He then asked Mrs. Holub to come to the podium, where she made some remarks thanking the community and all involved in finding her husband. Mayor Bennett gave a Certificate of Appreciation to Beaufort County Sheriff's Office, Bluffton Township Fire Department, Hilton Head Island Fire Rescue, Hilton Head Plantation Security, Hilton Head Plantation POA, and to the Strietenberger Family.

**b.** Mayor's Honored Islanders

- i.** Claudia Kennedy
- ii.** Michael Znachko
- iii.** Susan Roberts

Mayor Bennett made some remarks and presented a certificate to each of the three Honored Islanders mentioned herein above.

**c.** Parks & Recreation Month Proclamation

Mayor Bennett presented the July 2018 Parks and Recreation Month Proclamation to Mary Hall and Frank Soule of the Island Recreation Association.



## **7. Approval of Minutes**

### **a. Town Council Public Hearing/Special Meeting, June 12, 2018**

Mrs. Likins moved to approve the Town Council Public Hearing/Special Meeting minutes from June 12, 2018. Mr. Harkins seconded, the motion was approved by a vote of 6-0. Mr. Lennox was not present at the June 12, 2018 meeting.

### **b. Town Council Meeting, June 19, 2018**

Mrs. Likins moved to approve the minutes from June 19, 2018 Town Council meeting. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

## **8. Report of Town Manager**

### **a. Board of Zoning Appeals Update – David Fingerhut**

David Fingerhut, Chairman, provided an update to Council concerning the items that had taken place over the last six months. He reported that the Board heard one variance request and two appeals, and with no further business to report on, he concluded his report.

### **b. Design Review Board Update – Jake Gartner**

Jake Gartner, Chairman, provided an update to Council concerning the items that had taken place over the last six months. He reported that they had a light schedule lately, only approving approximately 16 applications. With no questions from Council his report was concluded.

### **c. University of South Carolina Update**

Mr. Riley reviewed the update provided by the University. He reported that work continues as scheduled, noting that all roofing components are installed. Mr. Riley stated that the project schedule allows for the University to occupy the facility by the middle of October.

### **d. Items of Interest**

- i. Town News**
- ii. Noteworthy Events**

Mr. Riley reviewed the Items of Interest including Town news, upcoming meetings, and current events taking place throughout the Island over the coming weeks.

## **9. Reports from Members of Council**

### **a. General Reports from Council**

Mr. McCann noted that the members of Council each received a letter from the President and CEO of the Hilton Head Island Symphony Orchestra, and asked how Council was planning on proceeding to respond back to the letter. Mayor Bennett responded, stating that he had just returned from being out of town, but had seen the letter and was still considering it. He said that he would reach out to obtain some additional clarification and then reach out to Council thereafter.

Mr. Ames reported that his constituents have shared the dangers of the intersection of US-278 and Yacht Cove. He said that he would like to solve the dangerous situation locally, and is encouraged that the Town Manager and Traffic Engineer are seeking ways to improve the intersection. Mr. Ames said that the second matter he would like to discuss is the success stories of the nesting turtles. He thanked, all of the entities and volunteers involved with the turtle's care each year, stating that this speaks to the Islands brand of environmental care and the visions pillar of sustainability. Mr. Ames said that holes and forts on the beach left unfilled are barrier for mother turtles and a hazard for beach goers and Shore Beach Services vehicles. He said that he believes this situation deserves a staff recommendation to address it, and reported that other coastal communities have done something to address this matter.

Mayor Bennett asked Mr. Riley what the answers were concerning the intersection at US-278 and Yacht Cove. He asked if there were options for lighting or flashing lights or even petitioning the SCDOT to slow down the traffic. Mr. Riley said that there isn't one single solution for each matter. He said as Mr. Ames pointed out, US-278 is a State Highway, and is subject to the SCDOT rules and regulations. Mr. Riley said he would work to staff about the ideas that could be brought forward regarding this matter and would report back.

## **Reports from Members of Council (cont.)**

### **b. Report of the Intergovernmental & Public Safety Committee – Bill Harkins, Chairman**

Mr. Harkins said that as a follow-up to the prior conversation that his Committee would like to take a look at the items posed by Mr. Riley. Mr. Harkins reported that a major issue that is looming, is the Jasper Port project. He said the project is currently involved in some political discussions of sorts, and has the potential of being postponed significantly. Mr. Harkins said that he would be speaking with Senator Davis about this matter to see what avenues could be taken to avoid any further delay of this project.

### **c. Report of the Community Services Committee – Kim Likins, Chairman**

Mrs. Likins reported that the Committee would be meeting on July 18, 2018 to finalize the interviews for the ATAC Committee.

### **d. Report of the Public Planning Committee – David Ames, Chairman**

Mr. Ames reported that the Committee is working closely with Chamber and staff continuing to address the alignment with the Chamber's Designated Marketing Organization matrix and the Vision. He said that the way marketing success is being measured is not sustainable for the Island's economy, environment, infrastructure, resident quality of life, and quality of guest experience. Mr. Ames said that the DMO matrix must be aligned with broader economic and community matrix in order to be in alignment with the Vision. Mr. Ames said that the Chamber and the Committee would continue to work on the broader alignment, with the help of key public stakeholders. Mr. Ames said the next steps are to refine DMO marketing matrix and to improve the way we, the Town, measures economic progress and community health. Mayor Bennett asked Mr. Ames where the Committee was at with the Vision as a whole. Mr. Ames reported that Town staff and the Planning Commission have been meeting, and from his standpoint and others of the Committee, that community input is not integrated directly enough. Mr. Ames said further conversations are continuing with staff regarding this matter, and there are two issues to keep in mind, every business, non-profit, and the like must understand the Vision and understand what they can do to support it. He said that it has to be a community effort with 100% buy in if that is practical. Further stating that the creativity, and innovation and out of the box thinking that citizens have is part of the process every step of the way. He said that he feels very strongly that the community is involved with phase 2 of the conversation. Mayor Bennett asked Alex Brown, Chairman of the Planning Commission what his involvement has been with phase 2 of the Vision. Mr. Brown said that at the upcoming Planning Commission on July 18, 2018, they would be discussion phase 2, calling it a Comp. Plan meeting of sorts. He went on to say that members of the community have been invited. Mr. Brown said from this meeting, a concise plan would be brought back to the Public Planning Committee for further discussion.

### **e. Report of the Public Facilities Committee – Marc Grant, Chairman**

Mr. Grant reported that the Committee met on July 9, 2018 to discuss the Hilton Head Public Sewer District expansion plan and reimbursement agreement. Mr. Grant reported that the Committee met on June 25, 2018 where the Committee approved MOU for the Island Recreation Association, but tabled the discussion for the dirt roads until the meeting on July 23, 2018. Mayor Bennett asked about further discussions concerning LMO modification with regards to pre and post taking density. Mr. Cousins clarified that once the new LMO Committee is appointed by the Planning Commission, the item would be discussed.

### **f. Report of the Finance & Administrative Committee – John McCann, Chairman**

Mr. McCann stated there was no report at this time.

## **10. Appearance by Citizens**

**Joe Izzo:** Addressed the members of Council about the safety concerns intersection at Yacht Cove and US-278.

**Linda Prosser:** Addressed the members of Council about the safety concerns intersection at Yacht Cove and US-278.

**Karen Wells:** Addressed the members of Council about sea wall legislation.

**Dana Advocaat:** Addressed the members of Council about the sea wall in Sea Pines.

**Linda Farrenpopf:** Addressed the members of Council about the sea wall in Sea Pines.

**Rikki Parker:** Addressed the members of Council about the sea wall in Sea Pines.

**Mary Amonitti:** Addressed the members of Council about workforce and affordable housing on the Island.

## **11. Unfinished Business - NONE**

## **12. New Business**

### **a. First Reading of Proposed Ordinance 2018-07**

First Reading of Proposed Ordinance 2018-07 to amend Chapter 1 of Title 10, (Business and Professional Licenses), of the Municipal Code of the Town of Hilton Head Island, South Carolina, to amend Section 10-1-20, Definitions; to amend Section 10-1-30, Purpose and Duration; to amend Section 10-1-40, License Fee; to amend Section 10-1-50, Registration Required; to amend Section 10-1-80, Display and Transfer; to amend Section 10-1-120, Delinquent License Fees; to repeal Section 10-1-190, Classification Rates Schedules (Exhibit “A”); to amend Chapter 9 of Title 4, (Beach Preservation Fee), Section 4-9-100, Violations and Penalty (Exhibit “B”); to amend Chapter 10 of Title 4, (Local Accommodation Tax), Section 4-10-50, Collections of Local Accommodation Tax (Exhibit “C”); and to amend Chapter 13 of Title 4 (Local Hospitality Tax), Section 4-13-100, Violations and Penalty (Exhibit “D”); and providing for severability and effective date.

Mrs. Likins moved to approve, Mr. Harkins seconded. Upon no discussion from the dais or public at large, the motion passed by a vote of 7-0.

### **b. First Reading of Proposed Ordinance 2018-10**

First Reading of Proposed Ordinance 2018-10 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2018; to provide for the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and an effective date.

Mrs. Likins moved to approve, Mr. Harkins seconded. Upon no discussion from the dais or public at large, the motion passed by a vote of 7-0.

### **c. Consideration of a Resolution – Florence Graham Island Rezoning**

Consideration of a Resolution by the Town Council of the Town of Hilton Head Island denying the Application for Zoning Map Amendment ZA-001111-2018 which requests an amendment to Chapter 1 of Title 16, “The Land Management Ordinance” (LMO), of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 16-1-107, the Official Zoning Map with respect to the certain parcel identified as Parcel 362 on Beaufort County Tax Map 10 from the CON (Conservation) Zoning District to the RSF-3 (Residential Single-Family 3) Zoning District.

Mrs. Likins moved to approve, Mr. Harkins seconded. Lauren Williams, attorney for the Applicant addressed the members of Council making a short presentation. After a brief discussion and questions posed to Town staff, the Mayor brought the vote back to the dais where the motion passed by a vote of 6-1, Mr. McCann opposing.

### **d. Consideration of a Recommendation – Island Rec. Association Memorandum of Understanding**

Consideration of a Recommendation from the Public Facilities Committee to Town Council authorizing the execution of the Memorandum of Understanding and Agreement between the Town of Hilton Head Island and the Hilton Head Island Recreation Association, Inc.

Mrs. Likins moved to approve, Mr. Harkins seconded. Mrs. Likins said that she would like to see the Island Recreation Association’s emergency operations plan submitted to Council shortly after the execution of the MOU. She stated that there is an importance of having such a plan to ensure the safety of those occupying the premises during the operation of the facility. Mayor Bennett echoed Mrs. Likins statements, and asked Mr. Riley to make arrangements to have the Island Recreation Association provide copies of their plan during an update within the next six months. Frank Soule from the Island Recreation Association spoke and indicated that such a plan is currently being worked on and will be available for Council to review. With no further discussion or comments, the motion passed by a vote of 7-0.

**New Business (cont.)**

**e. Consideration of a Recommendation – Hilton Head Public Service District Cost Reimbursement Agreement**

Consideration of a Recommendation from the Public Facilities Committee to Town Council authorizing the Town Manager to execute the cost reimbursement agreement between the Town of Hilton Head Island and Hilton Head Public Service District.

Mrs. Likins moved to approve, Mr. Harkins seconded. Upon no discussion from the dais or public at large, the motion passed by a vote of 7-0.

**13. Possible actions by Town Council concerning matters discussed in Executive Session.**

Based on Council's completion of a review of the Town Manager's FY18 job performance and his compensation conducted during Executive Session, Mr. McCann moved that Mr. Riley receive; for FY16 performance, a lump sum bonus of \$5,000, for FY17 performance, a lump sum bonus of \$5,000, and for FY18 performance, a 3% salary increase (\$5,257), resulting in a new base salary of \$180,460, with the changes being effective with Mr. Riley's contract term starting July 1, 2018. Mr. Harkins seconded. With some discussions taking place at the dais both in favor and not in favor of Mr. Riley's receipt of a salary increase, Mayor Bennett opened the discussion to the public at large. Upon no further discussion from the public or the dais, the motion passed by a vote of 4-3 with Mayor Bennett, Mrs. Likins, and Mr. Ames opposing.

**14. Adjournment**

Mayor Bennett adjourned the meeting at 6:54 p.m.

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Krista M. Wiedmeyer,  
Executive Assistant/Town Clerk

Approved: 08/14/2018

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David Bennett, Mayor



# **TOWN OF HILTON HEAD ISLAND**

## *Community Development Department*

**TO:** Stephen G. Riley, *ICMA~CM, Town Manager*  
**VIA:** Charles Cousins, *AICP, Director of Community Development*  
**VIA:** Jennifer Ray, *ASLA, Planning and Special Projects Manager*  
**FROM:** Marcy Benson, *Senior Grants Administrator*  
**CC:** Shawn Colin, *AICP, Deputy Director of Community Development*  
**DATE:** August 1, 2018  
**SUBJECT:** Hazard Mitigation Plan Annual Progress Report

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### **SUMMARY**

No formal action from Town Council is required for this progress report. However an annual report evaluating progress towards implementing the Hazard Mitigation Plan objectives and goals must be prepared by participating communities to maintain credit in the floodplain management planning section of National Flood Insurance Program Community Rating System (CRS). The CRS program does require this progress report be submitted to the Town Council, released to the media and made available to the public.

### **BACKGROUND**

The attached report is an annual evaluation on progress toward implementing the objectives of the Hazard Mitigation Plan which was adopted by Town Council in September 2016 as an appendix to the current Town of Hilton Head Island Comprehensive Plan. The Town of Hilton Head Island was a partner with Beaufort County in developing the Beaufort County Hazard Mitigation Plan 2015 Update which contains ten (10) County-wide goals. Of these goals, five (5) goals pertain to The Town of Hilton Head Island and are listed in the attached annual report, by goal number.

The annual progress report is prepared by Town staff to ensure there is a continuing and responsive planning process. The report is presented to Town Council prior to recertification of the Town's CRS status. The report is available to the public for review via the Town's website, or by contacting Town staff in the Community Development Department for copies.

**2018 Hazard Mitigation Plan Progress Report**

This is the annual progress report of the Beaufort County Hazard Mitigation Plan, which was adopted on September 20, 2016. The report is prepared by Town of Hilton Head Island Community Development Department staff to ensure there is a continuing and responsive planning process. This report is presented to Town Council on July 17, 2018 and is available to the public for review via the Town’s website, or by contacting Town staff in the Community Development Department for copies.

<b>Goal 1: Ensure the Protection of All Critical Facilities</b>		
<b><i>Objectives</i></b>	<b><i>Mitigation Actions</i></b>	<b><i>Status Report</i></b>
Protect facilities from natural hazard threats.	Continue to conduct engineering inspections of fire stations as necessary to determine mitigation retrofitting measures necessary.	Inspections have been completed. Shutters able to withstand a Category 5 hurricane and fire sprinklers have been installed at fire station facilities, Fire Rescue Headquarters & Facilities Management buildings.
Identify & schedule repairs & other improvements needed in order to ensure buildings are in adequate conditions & with adequate equipment to function in the event of a disaster.	Study of vulnerable bridges to determine which ones should be hardened and conduct maintenance of these bridges and Hilton Head Island causeways.	This mitigation action was carried over from the previous hazard mitigation plan and completed as a partnership with Beaufort County in 2012.
<b>Goal 2: Increase Public Education &amp; Awareness of Natural Hazards<sup>1</sup></b>		
<b><i>Objectives</i></b>	<b><i>Mitigation Actions</i></b>	<b><i>Status Report</i></b>
Develop an ongoing public communications & education program including a web site, pamphlets, informational packets, & articles in the local media.	Work with regional media to promote public awareness of disaster preparedness.	Ongoing. The Program for Public Information (PPI) was established in 2015 to better inform the public about flood risks, flood hazard preparedness, reduction of future damage and the benefits of flood insurance coverage. The PPI meets annually to monitor implementation of outreach projects and reassesses flood insurance coverage. Emergency Management staff continues to engage the public through multiple presentations throughout the year.

<sup>1</sup> Listed as Goal #3 in the Beaufort County Hazard Mitigation Plan 2015 Update.

		Local media contacts are maintained by legal department staff and Fire Rescue staff maintains contact and relationships with local media. The Town Emergency Management Coordinator appears twice each year on the local cable station WHHI news program and the show “843” to promote public awareness of disaster preparedness.
	Distribute “Flood Hazards” brochure regularly.	Ongoing. The “Flood Hazards” brochure is distributed at flood hazard public presentations throughout the year. Approximately 250 were distributed at presentations in 2017 and in addition brochures are mailed to each household within Town limits on an annual basis.
	Support ongoing efforts to educate the public on the threat of Sea Level Rise and associated hazards, exploring best practices for adaptation to this threat.	Ongoing – The Town website lists resources which help educate the public about sea level rise and associated coastal hazards. The resources include: 1) A link to “Low Impact Development in Coastal South Carolina: A Planning and Design Guide” which discusses the need for LID in light of climate change and its environmental risks; 2) Coastal Erosion Hazards page found on the Public Safety/Flood Awareness drop-down menu; and 3) Hurricane Storm Surge Area Maps found in the publications/maps drop-down menu.
Incorporate the use of social media, including Facebook™ and Twitter™ to ensure that as many segments of the population as possible are reached.	Continue to develop the use of social media/smart phone technology to inform citizen of hazard threats.	Ongoing. Staff continues to use social media to educate and provide citizens with disaster related information.

**Goal 3: Enhancement & Adoption of New Policies & Projects to Mitigate Natural Hazards<sup>2</sup>**

<i><b>Objectives</b></i>	<i><b>Mitigation Actions</b></i>	<i><b>Status Report</b></i>
Plans, codes, zoning, & other mechanisms should address natural hazard mitigation, &	Continue to train building officials on most up to date code requirements for	Ongoing. The Town of Hilton Head Island building official attended the 2017 and 2018 South Carolina Association of Hazard Mitigation Annual Conference and received

<sup>2</sup> Listed as Goal #4 in the Beaufort County Hazard Mitigation Plan 2015 Update.

expand on present policies to further protect the counties and incorporated municipalities (floodplains, repetitive loss areas, etc.). All jurisdictions should adopt the state building code.	hazard resistant construction.	a total of 24 hours of continuing education since 2017.
	Evaluate need to harden critical facilities (Town Hall, Fire Rescue Headquarters & other critical facilities listed in Hazard Mitigation Plan) to reduce vulnerability to hazards.	In 2016 an evaluation to submit a Fire Rescue Headquarters hardening project for FEMA grant funding was considered, however there were no funds available during previous grant cycle to conduct the required engineering study for the grant application. There were no new efforts in calendar year 2017.
	Append the Beaufort County Hazard Mitigation Plan 2015 to Town of Hilton Head Island Comprehensive Plan as updated, or at earliest date available.	Beaufort County Hazard Mitigation Plan 2015 adopted as appendix to Town of Hilton Head Island Comprehensive Plan on September 20, 2016.

**Goal 4: Emergency Response<sup>3</sup>**

<b><i>Objectives</i></b>	<b><i>Mitigation Actions</i></b>	<b><i>Status Report</i></b>
If necessary, seek funding for new communications and power equipment and employee training.	Conduct periodic surveys of equipment used by emergency personnel & write appropriations into budget.	Ongoing. The Emergency Management Coordinator annually reviews and checks equipment assigned to emergency management, which includes the EOC equipment and base camp deployment package.

**Goal 5: Reduce the Impact of Floods on Homes & Buildings<sup>4</sup>**

<b><i>Objectives</i></b>	<b><i>Mitigation Actions</i></b>	<b><i>Status Report</i></b>
Zoning enforcement, floodplains.	Continue to enforce floodplain regulations to ensure proper development in compliance with all building codes, FEMA regulations & any other pertinent ordinances.	Ongoing. Town staff is currently revising the Flood Damage Controls Ordinance based on requirements of FEMA's Community Assistance Visit in 2016. The revision will strengthen the current language of the ordinance.
Grants for preventative measures, to include elevation & property acquisition.	Assist private home & business owners to obtain funding for retrofitting hazard prone buildings.	Ongoing as funding opportunities become available. In 2017 staff assisted two private home owners with SC-DNR/FEMA Flood Mitigation Program grant application. Application award notifications are pending.

<sup>3</sup> Listed as Goal #5 in the Beaufort County Hazard Mitigation Plan 2015 Update.

<sup>4</sup> Listed as Goal #7 in the Beaufort County Hazard Mitigation Plan 2015 Update.



	Educate staff & public on hazard mitigation grant programs & funding opportunities.	Ongoing. Staff continues to advise Hilton Head Island residents on the SC-DNR/FEMA Flood Mitigation Program grant application process when available.
Building code revisions.	Continue to enforce floodplain regulations to ensure proper development in compliance with all building codes, FEMA regulations & any other pertinent ordinances.	Ongoing. Town staff is currently in the process of revising the Flood Damage Controls Ordinance to incorporate the one foot freeboard requirement of the International Residential Code and the International Building Code adopted in 2016.
Stormwater management.	Continue to implement structural drainage projects.	Ongoing. Completed the following projects: - Lawton Woods new storm drainage system with debris screens and electrical upgrades being designed for pump station. Several pipes have been lined. -Wren Pond Dam was restored after breach. -Road flooding in Wexford mitigated by supplemental drainage system.
	Continue to support Beaufort County SWM utility plan for future SWM project.	Beaufort County Storm Water Master Plan completed in March 2018 with no new recommendations for Hilton Head Island.
	Continue to maintain open space related to stormwater management.	Ongoing. Through the Town's land acquisition program property is purchased to preserve land and prevent further development and consequently downstream storm water impacts. This helps to maintain water quality and prevent degradation or pollution from development.
	Continue to perform periodic nourishment of Hilton Head Island beaches.	Ongoing. The 2016 beach renourishment project was completed in December 2016. This project placed approximately 2.0 million cubic yards of sand along the Atlantic Ocean-front and Port Royal Sound-front shorelines.
Work toward the lowering of CRS rating.	Continue to work with SC-DNR to update maps based on newer/more accurate topography data.	Ongoing. Beaufort County is currently under a map revision by FEMA. Preliminary draft maps were released in June 2017. According to FEMA's proposed schedule, the new Digital Flood Insurance Rate Maps (DFIRMs) are expected to become effective for flood insurance rating and building permit purposes in June 2019.
	Scan & store elevation certificates for convenience	Ongoing. Finished construction elevation certificates for all new construction,

	<p>&amp; ease of access on Town of Hilton Head Island website (written documents will continue to be maintained).</p>	<p>substantial improvements, residential renovations, accessory structures, etc. are received daily. These are reviewed, signed and scanned into the appropriate building permit in the Energov system.</p>
	<p>Maintain or improve the Town's CRS rating.</p>	<p>Ongoing. The Town received the latest recertification in November 2017. The Town remained a Class 5 in the CRS program, although there are enough program points to become a Class 4 there is not the required prerequisites to become a Class 4 or lower community.</p>



## TOWN OF HILTON HEAD ISLAND 2019 TOWN COUNCIL MEETING DATES

(Wednesday) January 2	<del>July 2</del> <b>Cancel</b>
January 15	July 16
<del>February 5</del> <b>Cancel</b>	<del>August 6</del> <b>Cancel</b>
February 19	August 20
March 5	<del>September 3</del> <b>Cancel</b>
March 19	September 17
April 2	October 1
April 16	October 15
May 7	November 5
May 21	November 19
June 4	December 3
June 18	December 17

Regular meetings of the Council shall be held on the first and third Tuesday of each month at 4:00 p.m. in the Benjamin M. Racusin Council Chambers, unless changed by a majority vote of the members present at any regular or special meeting.

**January 2<sup>nd</sup>:** Moved to Wednesday, January 2<sup>nd</sup>, as New Year's Day is on the first Tuesday of the month.

**February 5<sup>th</sup>:** Recommendation to cancel meeting due to Hometown Legislative Action Day in Columbia on the same day.

**July 2<sup>nd</sup>:** Recommendation to cancel meeting as the month of July traditionally has had only one meeting.

**August 6<sup>th</sup>:** Recommendation to cancel meeting as the month of August traditionally has had one meeting.

**September 3<sup>rd</sup>:** Recommendation to cancel meeting as the month of September traditionally has had one meeting.

**September 17<sup>th</sup>:** This meeting will begin at 4:00 p.m. or upon the conclusion of the 2019 Constitution Day Celebration, whichever is later.



# TOWN OF HILTON HEAD ISLAND

## ITEMS OF INTEREST

August 14, 2018

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### TOWN NEWS

- The Town has again been recognized as “StormReady” by the National Weather Service in Charleston. Being recognized as StormReady means that the Town meets or exceeds the strict standards that have been established by the NWS. This recognition will remain in effect through July 2021.
  - Fire Rescue purchased and installed new thermal imaging cameras (TICs) to replace the old ones that had been in service for over ten years. These cameras use the latest infrared technology, allowing firefighters to “see” the heat signature of visually obscured victims quickly. This recent purchase was not just kept under budget, it will continue to save the Town money, as the costs to repair the old TICs were quite expensive.
  - Recently, Fire Rescue along with the Beaufort County Communications Division and Savannah Communications, conducted testing to identify the radio coverage should the County wide system fail. With the deployment of a portable repeater attached to the tip of the aerial ladder of Truck 6, Fire Rescue and the partner agencies conducted a successful test. Most of the fire station base radios could reach the repeater, except Fire Station 2 in Sea Pines. Successful tests like this and others are examples of how Fire Rescue continues to improve its systems and back-up systems to better service the community.
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### TOWN OF HILTON HEAD ISLAND MEETINGS

- Public Planning Committee – August 23, 2018 – 3:00 p.m.
- Public Facilities Committee – August 27, 2018 – 9:00 a.m.
- Intergovernmental & Public Safety Committee – September 10, 2018 – 10:00 a.m.
- Community Services Committee – September 17, 2018 – 9:00 a.m.
- Finance & Administration Committee – September 18, 2018 – 2:00 p.m.
- Constitution Day Celebration – September 18, 2018 – 3:30 p.m.
- Town Council Executive Session – September 18, 2018 – 4:00 p.m.
- Town Council Regular Session – September 18, 2018 – 5:00 p.m.

*Meetings are subject to change and/or cancellation. Please visit the Town's website at [www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov) for meeting dates and times.*

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### HILTON HEAD ISLAND EVENTS

- Lowcountry Brunch Festival – Saturday, September, 8, 2018 – 11:00 a.m. to 3:00 p.m. at Shelter Cove Community Park
- Italian American Heritage Festival – Saturday, September 15, 2018 – 11:00 a.m. to 4:00 p.m. at Honey Horn



For more events taking place on the Island, please visit the Town's Office of Cultural Affairs Events page at [www.culturehhi.org/events/](http://www.culturehhi.org/events/).



## **MEMORANDUM**

**TO:** Town Council

**FROM:** John Troyer, CPA, Director of Finance

**VIA:** Stephen G. Riley, ICMA-CM, Town Manager

**RE:** **Chamber of Commerce/Visitor & Convention Bureau 2018-2019 Budget**

**DATE:** April 19, 2018

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**Recommendation:** Staff recommends that Council consider approval of the fiscal year 2018-2019 budget for the Chamber of Commerce Visitor and Convention Bureau (VCB) which is required by State law and Town Code for the VCB to continue as the Town's designated marketing organization (DMO) for State Accommodations Tax purposes.

The Accommodations Tax Advisory Committee (ATAC) voted unanimously to recommend to Town Council that the proposed 2018-2019 budget be approved. The ATAC recommendation letter is attached.

**Summary:** On April 5, 2018, the VCB presented in detail to ATAC its proposed budget and marketing plan for 2018-2019. The plan is presented in a format as recommended by ATAC and Council. The budget breaks down revenues and expenses in rows by functional categories and in columns by the major funding sources with the Town of Hilton Head Island in the second column (after the total column) with a budget of \$ 2,400,000.

**Background:** According to State law, 30% of the two percent bed tax funds collected by the State of South Carolina is allocated to the pre-determined Destination Marketing Organization with an ongoing tourist program, which for the Town is the VCB. Town Code requires ATAC to review the VCB's proposed budget and marketing plan each year and make a recommendation to Town Council. Attached is the recommendation memo from the ATAC Chairman Stewart Brown which includes a synopsis of the VCB's proposed budget and marketing plan. Each Council member has previously been provided a bound book from the VCB entitled 2018-2019 Hilton Head Island Destination Marketing Plan. The budget can be found on pages 68-70.



## THE TOWN OF HILTON HEAD ISLAND ACCOMMODATION TAX ADVISORY COMMITTEE

To: Mayor David Bennett, Town of Hilton Head Island  
Town Council Members, Town of Hilton Head Island

CC: Steve Riley, Town Manager, Town of Hilton Head Island

From: Stewart Brown, Chairman, Accommodation Tax Advisory Committee

Date: April 19, 2017

Subject: Recommended approval of the DMO's 2018-2019 marketing plan and budget

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On April 5, 2018, the Accommodations Tax Advisory Committee (ATAC) met to hear and review the marketing plan and budget presentation of the Town's Designated Marketing Organization (DMO), the Hilton Head Island Visitor and Convention Bureau (HHIVCB). The purpose of this DMO is to promote and enhance tourism on Hilton Head Island. As the Town's DMO, the HHIVCB is allocated 30% of the available annual ATAX funding, through state statute and the committee is asked to make a recommendation to the Town Council whether or not to approve the DMO's marketing plan and budget for its upcoming fiscal year.

### **Summary of Presentation**

Ariana Pernice, VP of the HHIVCB, started the presentation by showcasing the HHIVCB's marketing plan book and reviewing its layout. Ms. Pernice explained to the Committee that the purpose of a DMO is to represent the destination and help in the long-term development of a community through the creation and implementation of a travel and tourism strategy. Additionally, she stated that the mission is to lead the local travel and tourism industry by marketing and guiding the Hilton Head Island destination brand experience to generate sustainable economic vitality.

### **Conclusions:**

- Another excellent presentation showing continued improvement in adoption of strong business management and effective measurement principles and processes
- We continue to have pride in how well HHIVCB is doing their job
- Council can be confident they are spending the public's money well
- Stronger results in 2017 vs 2016
- Record number of visitors in 2017 – 2.7 million
- \$ 1.49 Billion in economic impact
- \$17.08 ROI – per dollar of marketing money invested
- 16,698 jobs generated from tourism
- 2.6 million website visits – 36.9% converted to “take action” partner websites = +3% vs 2016

## Results:

## 2017 Hilton Head Island Lodging Performance

	2-Source		Home & Villa		Hotels	
RevPAR	\$121.00	+2.5%	\$120.00	+4.3%	\$110.19	+1.5%
OCC	55.0%	+5.2%	52.1%	+6.5%	62.7%	-2.3%
ADR	\$221.00	-2.6%	\$231.00	-2.1%	\$175.73	+3.8%

## Key discussion points include:

- Very effective Public Relations and Media recognition of Hilton Head Island
- Sustained use of processes to accurately measure each activity / program effectiveness
- Clearly defined and updated short-term and long-term goals (See details below)
- All DMO actions are well aligned with defined target market segments, DMO goals, and measured for effectiveness and conversion efficiency
- Able to track each segment's activity from search to booking
- Each new tool is trial tested to meet business needs before deployment
- Recognition that today's traveler seeks two or more diverse activities
- International marketing to Canada, UK and German markets continues
- Use of Brand USA and other partners tools is efficient and a productive use of VCB resources for International marketing
- VCB continues to focus on the keys to success in the meetings and business group sales sector – personal relationships, decision-makers putting eyes on the ground in Hilton Head, continuous tradeshow participation and partnerships with market research firms focused on electronic/social media/ digital venues to build leads and enhance bookings

## Updated Goals:

## Short-term goals through calendar year 2019

1. Grow shoulder and off-season group business room nights by 10%
  - a. Up 53.7% in 2017
2. Grow off-season group business prospects by 12.5%
  - a. Up 354.4% in 2017
3. Increase conversions by 30% by expanding VCB Group Incentive Program
  - a. Up 76% in 2017
4. Grow partner relationships to increase brand awareness by growing website conversions by 3%
  - a. Up 11% in 2017
5. Increase destination presence and demand with target campaigns with expanded new and existing inbound flight markets
  - a. Up 12% in 2017
6. Increase destination website visits from our top 10 DMA's by 3%
7. Leverage VCB digital assets and campaigns to increase website conversions/partner referrals by 5% and website sessions by 10%

## Long Term Goals

1. Drive year-round business growth by use of strategic initiatives and programming
2. Research and development of branding for the destination
3. Build public and private funding for DMO
4. NEW
  - a. Leverage emerging technologies to engage and elevate the visitor's travel experience
    - i. Advanced digital marketing
    - ii. Integrate visitor's multiple interests into every trip

**Committee Review**

ATAC Notes to VCB:

1. Do not be afraid to create/test/beta develop added marketing techniques to keep your tool box fresh with modern effective tools
2. Show us the trend lines of results over time
3. Check each market segment's ROI
4. Can you expand to "Visit HHI; Live on HHI"?
  - a. VCB targets visitors who can become potential home buyers especially those 55+
  - b. The same features and benefits that attract our visitors are also sought after by travelers transitioning to retirement and being active volunteers to give back to their community, just as those did in the 1990's. How can VCB encourage "Visit HHI; Live on HHI?"

**Recommendation**

Overall, the Committee continues to believe that the HHVCB is representing Hilton Head Island well and has revised and improved the clarity, depth, and reliability of its systems and processes to deliver results in a more effective and efficient manner.

**The Committee made a motion to recommend to Town Council that they approve the marketing plan and budget as presented. The motion was seconded and was approved unanimously by a vote of 5-0.**

Respectfully submitted on behalf of the Accommodations Tax Advisory Committee,



Stewart D. Brown, Chairman  
Accommodations Tax Advisory Committee

**2017/2018 Accommodations Tax Advisory Committee Membership:**

Stewart Brown, Chairman  
Brad Marra, Vice Chairman \*absent  
Mike Alsko  
Rob Bender  
Roger Freedman \*absent  
Cliff McMackin  
Richard Thomas





## **MEMORANDUM**

**TO:** Town Council

**FROM:** John M. Troyer, CPA, Director of Finance

**VIA:** Stephen G. Riley, ICMA-CM, Town Manager

**DATE:** August 14, 2018

**RE: Second Reading of Proposed Ordinance No. 2018-07; Revisions to Title 10 Chapter One (1) Business and Professional Licensing, Title 4 Chapter 9 Beach Preservation Fee; Chapter 10 Local Accommodation Tax and Chapter 13 Local Hospitality Tax**

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**Recommendation:**

Staff recommends Council approve second reading of Proposed Ordinance No. 2018-07. The ordinance replaces the Town's current business licensing classification system from the Standard Industrial Classification system (SIC) to the North American Industrial Classification (NAICS) System, as well as amendments to the Business License Definitions, Purpose and duration, License Fee, Registration, Display and Transfer, Delinquent license Sections of the Title 10 Business and Professional Licensing; Franchising and Regulation Ordinance.

**There have been no changes since the first reading on July 17, 2018.**

AN ORDINANCE TO AMEND CHAPTER 1 OF TITLE 10, (BUSINESS AND PROFESSIONAL LICENSES), OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; TO AMEND SECTION 10-1-20, DEFINITIONS; TO AMEND SECTION 10-1-30, PURPOSE AND DURATION; TO AMEND SECTION 10-1-40, LICENSE FEE; TO AMEND SECTION 10-1-50, REGISTRATION REQUIRED; TO AMEND SECTION 10-1-80, DISPLAY AND TRANSFER; TO AMEND SECTION 10-1-120, DELINQUENT LICENSE FEES; TO REPEAL SECTION 10-1-190, CLASSIFICATION RATES SCHEDULES, AND REENACT A NEW SECTION 10-1-190, CLASSIFICATION RATES SCHEDULES (EXHIBIT “A”); TO AMEND CHAPTER 9 OF TITLE 4, (BEACH PRESERVATION FEE), SECTION 4-9-100, VIOLATIONS AND PENALTY (EXHIBIT “B”); TO AMEND CHAPTER 10 OF TITLE 4, (LOCAL ACCOMMODATION TAX), SECTION 4-10-50, COLLECTIONS OF LOCAL ACCOMMODATION TAX (EXHIBIT “C”); AND TO AMEND CHAPTER 13 OF TITLE 4, (LOCAL HOSPITALITY TAX), SECTION 4-13-100, VIOLATIONS AND PENALTY (EXHIBIT “D”); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the Town Council of the Town of Hilton Head Island did previously adopt Chapter One (1) of Title 10 of the Municipal Code of the Town of Hilton Head Island to regulate and implement certain business and professional licenses’ standards, rates, and procedures; and

**WHEREAS**, the Town Council believes that it is in the best interest of its citizens and business community to replace the outdated Standard Industrial Code (SIC) business license coding system with the North American Industrial Classification System (NAICS). The SIC business classification system was first published in 1939, and was last updated in 1987. The NAICS business classification system was introduced in 1997. The six-digit NAICS classifications provide more flexibility than the four-digit SIC codes; and

**WHEREAS**, Town Council desires to update the Town’s business license coding system to NAICS codes, to comply with Municipal Association of South Carolina standards and classifications; and

**WHEREAS**, Town Council desires to amend Chapter One (1) Title 10 of the Municipal Code of the Town of Hilton Head Island to clarify for its citizens and business community the requirements for Business and Professional licensing; and

**WHEREAS**, Town Council also desires to apply consistency to the enforcement and collection of the Beach Preservation Fee, Local Accommodation Tax, and Local Hospitality Tax.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:**

**NOTE:** Underlined and bold-face typed portions indicate additions to the Ordinance. ~~Stricken~~ Portions indicate deletions to the Ordinance.

**Section 1. Amendment.** That Section 10-1-20 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 10-1-20. – Definitions.

The following words, terms and phrases, when used in this chapter shall have the meaning ascribed herein:

- (1) *Business*: A calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes. In addition to the above-described activities constituting doing business in the town, a person shall be deemed to be in "business" if that person owns and rents more than one (1) residential unit **(Where the percentage of property ownership in aggregate is greater than one unit and/or the SSN or FEIN used for tax reporting is the same)** within the town. This applies to both short-term and long-term rentals.
- (2) *Classification*: That division of businesses by major groups subject to the same license rate, as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationship of services, or other basis deemed appropriate by the town council.
- (3) *Gross income*: ~~The total revenue of a business, received or accrued, for one fiscal year collected or to be collected by reason of the conduct of business within the town, excepting therefrom income from business done wholly outside of the town on which a license tax is paid to some other municipality or a county and fully reported to the town. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license fee. The gross income for business license purposes shall conform to the gross income reported to the Internal Revenue Service, the South Carolina Department of Revenue and Taxation, or the South Carolina Insurance Commission. In the case of brokers, or agents, gross income shall mean gross commissions retained. Gross receipts for insurance companies shall mean gross premiums collected.~~ **Means the total gross receipts of a business, received or accrued, for one calendar year collected or to be collected by a business. The term "gross receipts" means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses, excepting therefrom gross income taxed in another county or municipality and fully reported to the county. The gross income, for business license purposes, shall conform to the gross income reported to the state tax commission or the state insurance commission. The gross income, for business license purposes, may be verified by inspection of returns filed with the internal revenue service, the state tax commission for income tax purposes, or the state insurance commission. In the case of brokers or agents, gross income shall mean gross commissions retained.**

- (4) *License inspector*: The town employee(s), or other individual(s), designated by the town manager to perform the duties set forth herein.
- (5) *Person*: Any individual, firm, partnership, cooperative nonprofit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals. ~~A governmental entity is not a "person" as defined above.~~

**Section 2. Amendment.** That Section 10-1-30 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 10-1-30. – Purpose and duration.

The business license levied by this chapter is for the purpose of providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege fee. Each license shall be issued for one (1) calendar year and shall expire on December 31<sup>st</sup>; **this time period shall be considered a "license year."** The provisions of this chapter and the rates herein shall remain in effect from year to year until amended by **the town** council.

**Section 3. Amendment.** That Section 10-1-40 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 10-1-40. – License fee.

The required license fee shall be paid for each business subject hereto according to the applicable rate classification on or before **the thirtieth day of April** ~~May 31<sup>st</sup>~~ in each year. A separate license shall be required for each place of business and for each classification of business conducted at one (1) place. If gross income cannot be separated for classifications at one (1) location, the license fee shall be computed on the combined gross income for the classification requiring the highest rate. A license fee based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one (1) year. The fee for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the calendar year.

**Section 4. Amendment.** That Section 10-1-50 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 10-1-50. – Registration required.

- (a) The owner, agent or legal representative of every business subject to this chapter, whether listed in the classification index or not, shall register the business and make application for a business license on or before **the due date each year** ~~May 31<sup>st</sup>~~ of each year, except that a new business shall be required to have a business license prior to operation within the town. Application shall be on a form provided by the license inspector

which shall contain the last four digits of their social security number or the full federal employer's identification number, the business name as reported on the South Carolina income tax return, and all other information about the applicant and the business deemed necessary to carry out the purposes of this chapter by the license inspector. The applicant shall certify that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments and personal property taxes due and payable to the town have been paid. **The applicant is also subject to compliance with the zoning ordinance, building code, electrical code, mechanical code, plumbing code, roofing code and other regulatory codes of the Town. No business license shall be issued until the applicant first submits documents necessary to establish compliance with the town zoning ordinance, building code, electrical code, mechanical code, plumbing code, roofing code and other regulatory codes as adopted by the town council.** With regard to registration of insurance companies and brokers for nonadmitted insurance companies, the Municipal Association of South Carolina is designated as the exclusive agent of the town and is empowered to utilize all procedures and actions authorized by ordinance or state law.

(b) Every business, which either 1) acts as an agent, broker or representative for any other person, or 2) has contractual arrangements with persons, who are acting as independent contractors for it, shall supply the following information. The information required shall include the name, address, telephone number, and estimated payments or premiums due to that person. Such information shall be supplied upon the request of the license inspector and shall be a condition precedent to the obtainment of the license required under this chapter.

~~(c) Elimination of commercial waste. On the business application form, each business shall fully disclose its method of solid waste handling and shall present proof of such solid waste disposal before a license is granted.~~

**Section 5. Amendment.** That Section 10-1-80 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 10-1-80. – Display and transfer.

All persons shall display the license issued to them on the original form provided by the license inspector in a conspicuous place in the business establishment, **visible upon entrance to the establishment,** at the address shown on the license. A transient or nonresident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the town. **A change of address must be reported to the Town's Revenue Services Department within ten days prior to removal of the business to a new location to allow the license, zoning and building codes officials review and response time to the notification. If the new location meets licensing, zoning and building approval, an updated copy of the business license will be issued.** ~~The Town Revenue and Collection Office must be notified in writing prior to any change in location, name or ownership.~~ Failure to obtain the approval of the town prior to any change shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of ownership shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income, prorated for the balance of the calendar year.

**Section 6. Amendment.** That Section 10-1-120 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Section. 10-1-120. – Delinquent license and related fees and taxes.

For nonpayment of all or any part of the correct license fee **and related account, Accommodation Tax, Beach Preservation Fee and/or Hospitality Tax,** the ~~license inspector~~ town shall levy and collect a late penalty of five (5) percent of the unpaid fee for each month or portion thereof after the due date until paid. If any license fee **and/or related fee or tax** shall remain unpaid for sixty (60) days after its due date, the license inspector shall issue an execution which shall constitute a lien upon the property of the licensee for the tax, penalties and costs of collection, and he shall proceed to collect in the same manner as prescribed by law for the collection of other taxes. With regard to the collection of delinquent business license fees from insurance companies and brokers for nonadmitted insurance companies, the Municipal Association of South Carolina is designated as the exclusive agent of the town and is empowered to utilize all procedures and actions authorized by ordinance or state law. Upon identification of a delinquent account the director of finance or his/her designee has the authority to establish payment plans, revenue procedures, and reduce or waive penalties based **on** the revenue procedures as adopted with this amendment.

**Section 7. Amendment.** That Section 10-1-190 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby is repealed and a new Section 10-1-190 is hereby reenacted as attached in EXHIBIT “A”.

**Section 8. Amendment.** That Section 4-9-100 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 4-9-100. – Violations and penalty.

- (a) It shall be a violation of this chapter to:
- (1) Fail to collect the "beach preservation fee" in connection with the rental of any accommodations to transients as set forth in section 4-9-30, supra;
  - (2) Fail to remit to the Town of Hilton Head Island, South Carolina, any "beach preservation fees" collected pursuant to this chapter by the 20th of each month following the end of the quarter thereof, as set forth in section 4-9-50(a), supra;
  - (3) Knowingly provide false information return to be submitted to the Town of Hilton Head Island, South Carolina pursuant to section 4-9-50(b), supra;
  - (4) Fail or refuse to provide books and records to the code enforcement officer of the Town of Hilton Head Island, South Carolina, for the purpose of an audit, upon twenty-four (24) hours' written notice, as provided in section 4-9-90, supra.
- (b) Upon conviction for a violation hereof, the violator shall be guilty of a misdemeanor and subject to the penalties provided in section 1-5-10, Code of the Town of Hilton Head Island, South Carolina (1983).

- (c) In the event "beach preservation fees" are not remitted to the Town of Hilton Head Island, South Carolina, as set forth in **Title 10, Section 10-1-120 of the Municipal Code of the Town of Hilton Head Island** ~~section 4-9-100(a)(2), supra~~, the violator shall pay a penalty of five (5) percent of the unpaid amount for each month or portion thereof past due until said "beach preservation fees" are paid in full.
- (d) Upon identification of a delinquent account the director of finance or his/her designee has the authority to establish payment plans, revenue procedures, and reduce or waive penalties based the revenue procedures as adopted with this amendment.

**Section 9. Amendment.** That Section 4-10-50 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 4-10-50. - Collection of the local accommodations tax.

- (a) The local accommodations tax collected by the provider of the services as required by section 4-10-40, supra. shall be remitted to the town, as follows:
  - (1) Payment of the local accommodations tax collected in the first quarter of the calendar year shall be due on April 20 of each calendar year;
  - (2) Payment of the local accommodations tax collected in the second quarter of the calendar year shall be due on July 20 of each calendar year;
  - (3) Payment of the local accommodations tax collected in the third quarter of the calendar year shall be due on October 20th of each calendar year;
  - (4) Payment of the local accommodations tax collected in the fourth quarter of the calendar year shall be due on January 20th of each following calendar year.
- (b) The town, shall promulgate a form of return which shall be utilized by the remitter of the local accommodations tax to calculate the amount of local accommodations tax collected and due for each period. Said form shall contain a sworn declaration as to the correctness thereof by the remitter, and shall be accompanied by the payment due to the town.
- (c) In the event that local accommodations taxes are not remitted to the town, as set forth in **Title 10, Section 10-1-120 of the Municipal Code of the Town of Hilton Head Island** ~~section 4-10-50~~, the person failing to remit such local accommodations taxes shall pay, in addition to the local accommodations taxes which are due, a penalty of five (5) percent of the unpaid amount of the local accommodations tax for each month or portion thereof past due, until such local accommodations taxes are paid in full.

**Section 10. Amendment.** That Section 4-13-100 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 4-13-100. - Violations and penalty.

- (a) It shall be a violation of this Chapter to:
  - (1) Fail to collect the "Local Hospitality Tax" in connection with the sale of any prepared meals and beverages as set forth in section 4-13-50, above;
  - (2) Fail to remit to the Town of Hilton Head, South Carolina, any "Local Hospitality Taxes" collected pursuant to this Chapter by the 20th of each month following the end of the quarter thereof, as set forth in section 4-13-50 and section 4-13-60, above;
  - (3) Knowingly provide false information on any return submitted to the Town of Hilton Head Island, South Carolina, as set forth in section 4-13-60, above; or,
  - (4) Fail or refuse to provide books and records to the Code Enforcement Officer of the Town of Hilton Head Island, South Carolina, for the purpose of an audit, upon twenty-four (24) hours' written notice, as provided in section 4-13-90, above.
- (b) Upon conviction for a violation hereof, the violator shall be guilty of a misdemeanor and subject to the penalties provided in section 1-5-10, Code of the Town of Hilton Head Island, South Carolina (1983).
- (c) In the event "Local Hospitality Taxes" are not remitted to the Town of Hilton Head Island, South Carolina, as set forth in **Title 10, Section 10-1-120 of the Municipal Code of the Town of Hilton Head Island** ~~section 4-13-50, supra,~~ the person failing to remit shall also pay a penalty of five (5) per cent of the unpaid amount for each month or portion thereof until said "Local Hospitality Taxes" are paid in full.
- (d) Upon identification of a delinquent account the Director of Finance or his/her designee has the authority to establish payment plans, revenue procedures, and reduce or waive penalties based the Revenue Procedures as adopted with this amendment.



**Section 11. Severability.** If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 12. Effective Date.** This Ordinance shall be effective upon its enactment by the Town Council for the Town of Hilton Head Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

\_\_\_\_\_  
David Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Krista Wiedmeyer, Town Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Revised First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Gregory M. Alford, Town Attorney

Introduced by Council Member: \_\_\_\_\_

**EXHIBIT “A”**

Sec. 10-1-190. - Classification Rate Index, business groups schedules.

The license fee for each class of business shall be computed in accordance with the following rates and with the North American Industry Classification System (NAICS) Standard Industrial Classification (SIC) Manual 1987, except in cases of conflict between the provisions of the SIC and the Town Code, the Town Code provisions shall prevail.

<u>Class Rate Index</u>	<i>Income: 0—\$5,000 <u>2,000</u> Up to \$5,000 <u>2,000</u> Minimum</i>	<i>All over \$5,000 <u>2,000</u> Rate per thousand or fraction thereof</i>
1	\$43.20	\$0.70
2	50.40	0.90
3	57.50	1.00
4	64.70	1.20
5	71.90	1.30
6	79.10	1.40
7	86.30	1.60
	<i>See Individual Business in Class 8.</i>	
<u>8.0</u>	<u>50.40</u>	<u>.90</u>
<u>8.1</u>	<u>57.50</u>	<u>1.00</u>
<u>8.2</u>	<u>86.30</u>	<u>1.60</u>
<u>8.3</u>	<u>64.70</u>	<u>1.20</u>
<u>8.41</u>	<u>115.00</u>	<u>2.00</u>
<u>8.42</u>	<u>107.90</u>	<u>1.70</u>
<u>8.5</u>	<u>50.40</u>	<u>.90</u>
<u>8.6A</u>	<u>50.40</u>	<u>.90</u>
<u>8.6B</u>	<u>100.80</u>	<u>1.80</u>
<u>8.6C</u>	<u>5.00</u>	NA
<u>8.7</u>	<u>86.30</u>	<u>1.60</u>
<u>8.8A</u>	<u>187.50</u>	<u>2.88</u>
<u>8.8B</u>	<u>12.50</u>	NA
<u>8.8C</u>	<u>180.00</u>	NA
<u>8.9</u>	<u>107.90</u>	<u>1.70</u>
<u>8.10</u>	<u>12.50</u>	NA
<u>8.11</u>	<u>12.50</u>	NA
<u>8.12</u>	<u>5.00</u>	NA
<u>8.14</u>	<u>57.50</u>	<u>1.00</u>
<u>8.15</u>	<u>50.40</u>	<u>.90</u>
<u>8.16</u>	<u>71.90</u>	<u>1.30</u>
<u>8.17</u>	<u>57.50</u>	<u>1.00</u>
<u>8C</u>	<u>187.50</u>	<u>3.24</u>
<u>8D</u>	<u>0.00</u>	<u>0.00</u>
<u>8E</u>	<u>86.30</u>	<u>1.60</u>
<u>8EE</u>	<u>25.00</u>	NA
<u>8F</u>	<u>172.60</u>	<u>3.20</u>
<u>8L</u>	<u>107.90</u>	<u>1.70</u>
<u>8M</u>	<u>215.70</u>	<u>3.40</u>
<u>8V</u>	<u>215.70</u>	<u>3.40</u>

**EXHIBIT “A”**

*Nonresident business rate:*

Unless otherwise specifically provided, all rates shall be doubled for businesses located outside of the town limits or for itinerants having no fixed place of business.

**CLASS 8 RATE INDEX**

**(Each NAICS number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates.) Nonresident rates do not apply except where indicated.**

**Amusement machines:**

Amusement machines, coin-operated shall require a business license.

A. Music machines, kiddie rides, and amusement machines licensed pursuant to S.C. Code section 12-21-2720(A)(1) and (A)(2)

1.	<b><u>Operator of machine (Section 12-21-2746), business license for operation of all machines (not on gross income)</u></b>	<b><u>Classification rate 8.10</u></b>
	<b><u>Per machine</u></b>	<b><u>Classification rate 8.11</u></b>
	<b><u>Billiard or pool tables of all types</u></b>	<b><u>Classification rate 8.12</u></b>
2.	Distributor selling or leasing machines (not license by state as an operator pursuant to section 12-21-2728): (Non-resident rates apply)	<b><u>Classification rate 8.8A</u></b>

B. Amusement machines license pursuant to S.C. Code Ann. Section 12-21-2720 (A)(3):

Operator of machine (section 12-21-2720 (b))	<b><u>Classification rate 8.8B</u></b>
<b><u>Per machine</u></b>	<b><u>Classification rate 8.8C</u></b>
<b><u>Distributor</u></b>	<b><u>Classification rate 8.8A</u></b>
<b><u>Automotive:</u></b>	<b><u>Classification rate 8.5</u></b>

**EXHIBIT “A”**

**One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.**

**Gross receipts from this classification shall include full sales price without deduction for trade-ins. Dealer transfers shall not be included in gross receipts.**

SIC – 15, 16, 17

Contractors, construction, all types:

	Income	Minimum	Per \$1,000 or fraction
<del>A. Having a place of business within the town limits</del>			
<del>First</del>	<del>\$5,000.00</del>	<del>\$50.40</del>	
<del>Over</del>	<del>-5,000.00</del>		<del>\$0.90</del>
<del>B. Having a place of business outside of town limits</del>			
<del>First</del>	<del>-5,000.00</del>	<del>100.70</del>	
<del>Over</del>	<del>-5,000.00</del>		<del>1.70</del>

<b><u>Construction:</u></b>	<b><u>Classification rate 8.1</u></b>
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A trailer at the construction site, a home office or structure in which the contractor resides is not a permanent place of business under this ordinance.

No contractor shall be issued a business license until all state and town qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Any person or entity that designs or installs irrigation systems ("landscape contractor") must be licensed to do so by the Town of Hilton Head Island, South Carolina. Prior to issuance or renewal of the license required herein, each landscape contractor or designated employee of said landscape contractor shall pass a certification test given by the Town of Hilton Head Island, South Carolina. Said license and certification must be shown at the annual renewal of the town business license. See section 13-3-310 of the Town Code for additional information regarding this requirement.

Subcontractors shall be licensed on the same basis as general or prime contractors for the same job, and no deductions shall be made by a general or prime contractor for value of work performed by subcontractors.

No contractor shall be issued a business license until all performance and indemnity bonds required by the town building code have been filed and approved. Zoning permits must be obtained when required by the town zoning ordinance.

**EXHIBIT "A"**

Each prime contractor shall file with the license inspector a list of subcontractors furnishing labor or materials for each project.

**Electrical and gas companies: Operate under a Consent or franchise**

**Insurance companies:**

**Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.**

**Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.**

**As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.**

**Gross premiums shall include all business conducted in the prior calendar year.**

**Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.**

**Declining rates shall not apply.**

**Notwithstanding any other provision of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be five (5) percent of the tax due per month, or portion thereof, after the due date until paid.**

**Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.**

**EXHIBIT “A”**

**Pursuant to S.C. Code 1996, §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code 1996, § 5-7-300 and administration of the municipal broker's premium tax is approved, and the town manager is authorized to execute it.**

**Peddlers, solicitors, canvassers, door-to-door sales, direct retail sales of merchandise. Regular activities (more than two sale periods of more than three days each per year requires a business license.) Seasonal activities (not more than two sale periods of more than three days each year, separate license required for each sale period).**

**Promoter/Coordinator of Arts and Craft Shows require a business license Plus, a fee for each participating vendor.**

<b><u>Promoter/Coordinator of Arts and Craft Shows require a business license</u></b>	<b><u>Classification rate 8.6A</u></b>
<b><u>Per participating vendor fee</u></b>	<b><u>Classification rate 8.6C</u></b>

**This shall be a special license issued only for special arts and crafts events sanctioned as such by the Town of Hilton Head Island and shall be valid solely for the time period and the specific location stated thereon. This special license must be applied for and obtained before commencement of the event for which it is to be used.**

**It is the responsibility of the special events promoter or coordinator to ensure that all participating vendors are included in this special arts and crafts license.**

**Each participating vendor must be the creator of the art or craft which is to be sold. This includes any person who desires to engage in the business of offering for public sale flower arrangements or any hand-crafted item produced in the home. Goods purchased for sale or resale cannot be vended on this special license.**

**Inspections shall be made on site during the sale. Other merchants and vendors at such special events, not qualifying for this special license under arts and crafts, shall be required to obtain a regular business license.**

**Merchants and vendors now operating under valid licenses shall be allowed to operate on those licenses, incorporating such gross sales in the annual gross sales to be reported on the succeeding year's application.**

**EXHIBIT “A”**

**Telephone companies not using public streets under franchise or consent:**

**Establishments providing local or long distance telephone communications including voice and data communications; radiotelephone services; cellular telephone services; paging and beeper services; leasing lines, fiber optic cables, microwave or satellite facilities; selling access and reselling use of facilities or methods to others shall pay an annual business license tax of one (1) percent of gross receipts from all communications activities conducted in the town and for communications services billed to customers located in the town on which a business license tax has not been paid to another municipality.**

SIC		License Fee
40	Railroad Companies (See South Carolina Code of Laws, Code section 12-23-210) .....	(Compute)
41	Passenger transportation, on gross income .....	Rate Class 7
	Plus each vehicle per year .....	\$25.00

- (a) Permission to use streets required: It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the Town of Hilton Head Island any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the Town Council of the Town of Hilton Head Island by ordinance which prescribes the term, fees, and conditions for use.
- (b) Consent, franchise, or business license fee required: The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be based on gross revenues derived from activities in the town, the length of lines installed in streets and public places, or other formula deemed appropriate by Town Council. No consent fee or franchise fee shall be construed to be in lieu of a business license tax based on gross revenue unless specifically provided by ordinance. Credits for business license taxed paid may be applied to fees set by ordinance granting consent or a franchise when specifically authorized by the ordinance.

481	<del>Telephone companies not using public streets under franchise or consent: Establishments providing local or long distance telephone communications as described in Standard Industrial Classification (SIC) group 481, including voice and data communications; radiotelephone services; cellular telephone services; paging and beeper services; leasing lines, fiber optic cables, microwave or satellite facilities; selling access and reselling use of facilities or methods to others shall pay an annual business license tax of one (1) percent of gross receipts from all communications activities conducted in the town and for communications services billed to customers located in the town on which a business license tax has not been paid to another municipality.</del>
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4841	Television, cable or pay, basic fee .....	Consent or franchise
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**EXHIBIT “A”**

		Income	Minimum	Per \$1,000 or fraction
491—493	Electrical and gas companies	Consent or franchise		
5093	Junk or scrap dealers			
	First	\$5,000.00	\$107.90	
	Over	5,000.00		\$2.00
55	Automotive, motor vehicle dealers and farm machinery, retail			
	First	\$5,000.00	\$50.40	
	Over	\$5,000.00		\$0.90
	One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.			
	Gross receipts from this classification shall include full sales price without deduction for trade ins. Dealer transfers shall not be included in gross receipts.			
5813	Drinking places (alcoholic beverages, beer and wine consumed on premises)	5,000.00	107.90	
		5,000.00		1.70
5932	Pawnbrokers, all types			
	First	5,000.00	107.90	
	Over	5,000.00		1.70
5962	Vending machines and all other coin-operated automatic merchandising machines (Not included in business gross income)			
	First	5,000.00	107.90	
	Over	5,000.00		1.70
5963	Peddlers, solicitors, canvassers, door-to-door sales, direct retail sales of merchandise. (Non-resident rates apply).			
A.	Regular activities (more than two sale periods of more than three days each per year)			
	First	\$5,000.00	\$100.70	
	Over	5,000.00		\$1.70
B.	Seasonal activities (not more than two sale periods of more than three days each year, separate license required for each sale period)			
	First	\$5,000.00	\$50.40	
	Over	5,000.00		\$0.90
5999	Promoter/Coordinator of Arts and Crafts Shows			



First	\$5,000.00	\$50.40	
Over	5,000.00		\$0.90
Plus, for each participating vendor		5.00	

**EXHIBIT "A"**

<del>This shall be a special license issued only for special arts and crafts events sanctioned as such by the Town of Hilton Head Island and shall be valid solely for the time period and the specific location stated thereon. This special license must be applied for and obtained before commencement of the event for which it is to be used.</del>
<del>It is the responsibility of the special events promoter or coordinator to ensure that all participating vendors are included in this special arts and crafts license.</del>
<del>Each participating vendor must be the creator of the art or craft which is to be sold. This includes any person who desires to engage in the business of offering for public sale flower arrangements or any hand-crafted item produced in the home. Goods purchased for sale or resale cannot be vended on this special license.</del>
<del>Inspections shall be made on site during the sale.</del>
<del>Other merchants and vendors at such special events, not qualifying for this special license under arts and crafts, shall be required to obtain a regular business license.</del>
<del>Merchants and vendors now operating under valid licenses shall be allowed to operate on those licenses, incorporating such gross sales in the annual gross sales to be reported on the succeeding year's application.</del>
63 Insurance companies:
<del>Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.</del>
<del>Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.</del>
<del>As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.</del>
<del>Gross premiums shall include all business conducted in the prior calendar year.</del>
<del>Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.</del>
<del>Declining rates shall not apply.</del>

	Rates
631 — 632 Life, health and accident	0.75% of gross premiums
633 — 635 Fire and casualty	2% of gross premiums

636 — Title insurance	2% of gross premiums
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**EXHIBIT “A”**

Notwithstanding any other provision of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be five (5) percent of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Pursuant to S.C. Code 1996, §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code 1996, § 5-7-300 and administration of the municipal broker's premium tax is approved, and the town manager is authorized to execute it.

		Income	Minimum	Per \$1,000 or fraction
7993	Amusement machines, coin-operated			
	A. Music machines, kiddie rides, and amusement machines licensed pursuant to S.C. Code section 12-21-2720(A)(1) and (A)(2)			
	1. Operator of machine (Section 12-21-2746) .....	12.50 per machine, PLUS \$12.50 business license for operation of all machines (not on gross income)		
	2. Distributor selling or leasing machines (not licensed by the state as an operator pursuant to section 12-21-2728): (Non-resident rates apply.)			
	First	5,000.00	215.70	
	Over	5,000.00		3.40
	B. Amusement machines license pursuant to S.C. Code Ann. section 12-21-2720(A)(3):			
	1. Operator of machine (Section 12-21-2720(B))	\$210.00 per machine, PLUS \$14.40 business license (not on gross income)		
	2. Distributor selling or leasing machines (not licensed by the state as an operator pursuant to section 12-21-2728): (Non-resident rates apply.)			

	First	\$5,000.00	\$215.70	
	Over	5,000.00		3.40

**EXHIBIT "A"**

		Income Minimum	Per \$1,000 or fraction
7999	Billiard or pool tables, all types		
	First	5,000.00	107.90
	Over	5,000.00	1.70
	Additional license per table		5.00
7999	Carnivals and circuses:		
	First	5,000.00	215.70
	Over	5,000.00	6.80

**RATE CLASSIFICATION INDEX**

Rate Class 1	
SIC	Business Group
47	Travel agencies
53	General merchandise stores
54	Food stores
553 – 554	Automotive supply stores and gasoline service stations
56	Apparel and accessory stores
58	Eating places
86	Membership organizations
Rate Class 2	
SIC	Business Group
01	Agricultural production – Crops
02	Agricultural production – Animals
20	Food and kindred products
22	Textile mill products
23	Apparel and other finished products from fabrics and similar materials
25	Furniture and fixtures
30	Rubber and miscellaneous plastic products
31	Leather and leather products
32	Stone, clay, glass and concrete products
33	Primary metal industries
34	Fabricated and metal products (except machinery and transportation equipment)
37	Transportation equipment
39	Miscellaneous manufacturing industries
50	Wholesale trade – Durable goods

51	Wholesale trade— Nondurable goods
52	Building materials, hardware, garden supply and mobile home dealers

**EXHIBIT “A”**

57	Furniture, home furnishings and equipment stores
70	Hotels, rooming houses, camps and other lodging
	Rate Class 3
SIC	Business Group
07	Agricultural service
24	Lumber and wood products (except furniture)
26	Paper and allied products
29	Petroleum refining and related industries
36	Electrical and electronic machinery, equipment and supplies
42	Motor freight transportation and warehousing
44	Water transportation
45	Transportation by air
59	Miscellaneous retail (except vending machines, peddlers and pawnbrokers)
61	Credit agencies other than banks
75	Automotive repair, services and garages
78	Motion pictures
79	Amusement and recreation services (except motion pictures, amusement machines and carnivals)
89	Miscellaneous services
	Rate Class 4
SIC	Business Group
27	Printing, publishing and allied products
28	Chemicals and allied products
35	Machinery, except electrical
48	Communication (except telephone)
76	Miscellaneous repair services
	Rate Class 5
SIC	Business Group
09	Fishing, hunting and trapping
14	Mining— Minerals
38	Measuring, analyzing and controlling instruments; photographs, medical and optical goods; watches and clocks
41	Local and suburban transit and interurban highway passenger transportation
62	Security and commodity brokers, dealers— Exchanges and services
73	Business services
	Rate Class 6
SIC	Business Group
49	Sanitary services
72	Personal services

**EXHIBIT “A”**

Rate-Class 7	
SIC	Business Group
08	Forestry
10	Mining—Metals
21	Tobacco manufacture
46	Pipelines (except natural gas)
64	Insurance agents, brokers and service
65	Real estate
67	Holding and other investment offices
80	Health services
81	Legal services
82	Educational services
83	Social services
87	Engineering, accounting, research, management and related services
Rate-Class 8	
SIC	Business Group
15, 16, 17	Contractors, construction, all types
40	Railroad companies
4121	Taxicabs
481	Telephone communication
491— 493	Electric and gas services
55	Automotive and motor vehicle dealers and farm machinery, retail (except auto supply store 553 and gasoline service stations 554)
5093	Junk and scrap dealers
5813	Drinking places (alcoholic beverages)
5932	Pawnbrokers
5962	Vending machines (automatic merchandising)
5963	Peddlers, itinerant
63	Insurance companies
6411	Brokers for nonadmitted insurers
7993	Amusement machines, coin-operated
7999	Billiard or pool tables, all types
7999	Carnivals and circuses

**EXHIBIT “A”**

**APPENDIX**

**NUMERICAL BUSINESS CLASSIFICATION INDEX**

SIC Group	Name	Class
01	Agricultural production—Crops	2
02	Agricultural production—Animals	2
07	Agricultural services	3
08	Forestry	7
09	Fishing, hunting and trapping	5
10	Mining, metals	7
14	Mining—Minerals	5
15, 16, 17	Contractors, construction, all types	8
20	Food and kindred products	2
21	Tobacco manufacture	7
22	Textile mill products	2
23	Apparel and other finished products from fabrics and similar materials	2
24	Lumber and wood products (except furniture)	3
25	Furniture and fixtures	2
26	Paper and allied products	3
27	Printing, publishing and allied products	4
28	Chemicals and allied products	4
29	Petroleum refining and related industries	3
30	Rubber and miscellaneous plastic products	2
31	Leather and leather products	2
32	Stone, clay, glass and concrete products	2
33	Primary metal industries	2
34	Fabricated and metal products (except machinery and transportation equipment)	2
35	Machinery, except electrical	4
36	Electrical and electronic machinery, equipment and supplies	3
37	Transportation equipment	2
38	Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks	5
39	Miscellaneous manufacturing industries	2
40	Railroad companies	8
41	Local and suburban transit and interurban highway passenger transportation	5
4121	Taxi license	8

42	Motor freight transportation and warehousing	3
44	Water transportation	3
45	Transportation by air	3

**EXHIBIT "A"**

46	Pipeline (except natural gas)	7
47	Travel agencies	1
48	Communication (except telephone)	4
481	Telephone communication	8
49	Sanitary services	6
491— 493	Electric and gas services	8
50	Wholesale trade—Durable goods	2
5093	Junk and scrap dealers	8
51	Wholesale trade—Nondurable goods	2
52	Building materials; hardware, garden supply and mobile home dealers	2
53	General merchandise stores	1
54	Food stores	1
55	Automotive and motor vehicle dealers and farm machinery, retail (except auto supply stores 553 and gasoline service stations 554)	8
553— 554	Auto supply stores and gasoline service stations	1
56	Apparel and accessory stores	1
57	Furniture, home furnishings and equipment stores	2
58	Eating places	1
5813	Drinking places (alcoholic beverages)	8
59	Miscellaneous retail	3
5932	Pawnbrokers	8
5962	Vending machines	8
5963	Peddlers	8
61	Credit agencies other than banks	3
62	Security and commodity brokers, dealers exchanges and services	5
63	Insurance companies	8
64	Insurance agents, brokers and service (except brokers for nonadmitted)	7
6411	Brokers for nonadmitted insurers	8
65	Real estate	7
67	Holding and other investment offices	7
70	Hotels, rooming houses, camps and other lodging	2
72	Personal services	6
73	Business services	5
75	Automotive repair, services and garages	3
76	Miscellaneous repair services	4
78	Motion pictures	3
79	Amusement and recreation services (except amusement machines and carnivals)	3

7993	Amusement machines, coin-operated	8
7999	Billiard or pool tables, all types	8
7999	Carnivals	8

**EXHIBIT "A"**

80	Health services	7
81	Legal services	7
82	Educational services	7
83	Social services	7
86	Membership organizations	1
87	Engineering, accounting, research, management and related services	7
89	Miscellaneous services	3

Note: This numerical listing of business is not a part of the Code. It is included solely to be of benefit to the reader.

**ALPHABETICAL BUSINESS CLASSIFICATION INDEX**

This index is not intended to be a complete listing of all types of businesses. It is an aid in finding classifications by common name and reference to the Standard Industrial Classification manual group number. All businesses not exempt by law which are in the major groups listed under each rate class are subject to a license tax whether found in the alphabetical index or not. The license inspector shall determine the proper classification of a business not listed.

NAME	SIC	CLASS
Abattoirs	2011	2
Abstract land title or warranty	6541	7
Accounting and bookkeeping services	8721	7
Acupuncture - Except M.D.	8049	7
Administrative office	7389	5
Advertising agencies or agents	7311	5
Advertising novelties, signs, placards, etc.	7319	5
Air conditioning		
Contractor	1711	8
Service and repair	7623	4
Aircraft		
Retail	5599	8
Supplies - wholesale	5088	2
Service and repair	4581	3
Airport limousine service	4111	5
Alterations, clothing	7219	6
Ambulance service	4119	5
Amusement and recreation services	7999	3
Amusement machines, coin-operated	7993	8



Amusement parks	7996	3
Animal hospital	0742	3
Answering service	7399	5

**EXHIBIT "A"**

Antenna – installation – except household	1799	8
Sales – household	5731	2
System – satellite, master	4841	4
Antiques – retail	5932	3
Appliances household – repair	7629	4
Retail	5722	2
Appraisers, real estate	6531	7
Architects	8712	7
Armature rewinding shops	7694	4
Armored car services	7381	5
Art glass, dealers in	5999	3
Artificial flowers, dealers in	5999	3
Artists		
Portrait	8999	3
Commercial	7336	5
Studios	8999	3
Supplies, retail	5999	3
Assignment, purchasers of accounts, factors	6153	3
Astrologers	Prohibited	
Athletic arena	7941	3
Athletic clubs		
Admission charged	7991	3
Membership	7997	3
Attorneys	8111	7
Auction houses	5999	3
Auctioneers – Regulated by state law		
Automatic sprinklers – installation	1711	8
Automobile		
Accessories – retail	5531	1
Automatic car wash	7542	3
Body, paint and trim shop	7532	3
Club, membership	8699	1
Dealers new or used – retail	5511	8
Detailers	7542	3
Leasing – long term	7515	3
Manufacturing	3711	2
Parts – new – wholesale	5013	2
Parts – new – retail	5531	1

	Parts – used-wholesale/retail	5015	2
	Rental – short term	7514	3
	Repairs and service	7538	3

**EXHIBIT “A”**

	Salvage or scrap	5093	2
	Service station	5541	1
	Tires, recapping	7534	3
	Tires – wholesale	5014	2
	Tires – retail	5531	1
	Towing service	7549	3
Awning and tent			
	Makers	2394	2
	Rentals	7359	5
	Repair	7699	4
<b>B</b>			
Bags, bagging and ties, dealers in		5113	2
Bail bondsman		7389	5
Bakery			
	Retail	5461	1
	Wholesale	5149	2
Ballroom, leased or rented		7911	3
Barber			
	Schools	7241	6
	Shops	7241	6
	Supplies – wholesale	5087	2
Barrel and drum makers and dealers		5085	2
Bars – drinking places		5813	8
Baskets, boxes, crates, bags, etc. dealers		5113	2
Bath houses		7999	3
Bath, turkish, sauna or vapor		7299	6
Batteries			
	Manufacture	3692	3
	Vehicle – retail or wholesale	5531	1
Bearings – wholesale		5085	2
Beauty			
	Schools	7231	6
	Shops	7231	6
	Supplies – wholesale	5087	2
Bed and breakfast inns		7011	2
Beeper service, radio pager		4812	8
Belting – wholesale		5085	2
Beverage coolers – wholesale		5087	2

Bicycle			
	Retail	5941	3
	Rental	7999	3

### EXHIBIT "A"

	Repair	7699	4
	Supplies – wholesale	5091	2
	Bill distributors, handbills	7319	5
	Billboards, erection and lease	7312	5
	Billiard or pool hall	7999	8
	Bingo	7999	3
	Blacksmith	7699	4
	Blood bank	8099	7
	Blueprinting	7334	5
	Boarding house	7021	2
	Boats – sightseeing operation	4489	3
	Supplies and accessories – wholesale	5091	2
	Supplies and accessories – retail	5551	8
	Boat yards, storage, repair and rental	4499	3
	Boiler		
	Installation	1711	8
	Repair	7699	4
	Wholesale	5074	2
	Bolts and screws – wholesale	5072	2
	Bondsman	7389	5
	Book publisher	2731	4
	Book store – retail	5942	3
	Bookbinder	3555	4
	Booking Agent, films	7829	3
	Bootblack, bootblack stand	7251	6
	Bottlers		
	Flavored milk	2087	2
	Soft drinks	2086	2
	Supplies – wholesale	5085	2
	Bowling		
	Apparel and accessories	5699	1
	Lane equipment and supplies	5941	3
	Lanes and centers	7933	3
	Box, manufacturing	2653	3
	Boxing or wrestling matches	7941	3
	Brick, agents for	5211	2
	Brokers. See heading under type of broker		
	Building construction – general contractors	1541	8

Building materials and supplies:			
	Brick and stone		
	Wholesale	5032	2

**EXHIBIT "A"**

	Construction materials		
	Retail	5211	2
	Wholesale	5039	2
	Roofing, siding & insulation – wholesale	5033	2
Burglar alarms – installation only		1731	8
	Sale and installation	7382	5
Bus, charter		4141	5
Bus and motor coach company		Franchise	
Bus terminal		4173	5
Business broker, selling businesses		7389	5
Business college		8244	7
Business consultant		8748	7
Business forms, manufacturing		2759	4
Business forms – retail		5943	3
Business services, not elsewhere classified		7389	5
€			
Cablevision		4841	Franchise
Cabaret		5813	8
Cabinets			
	Custom order	5712	2
	Manufacturing	2434	3
Cafeteria		5812	1
Camera and photo supplies			
	Repair shop	7699	4
	Retail	5946	3
	Wholesale	5043	2
Candy			
	Retail	5441	1
	Wholesale	5145	2
Canvasser		5963	8
Car Rental – short term		7514	3
Car wash		7542	3
Carnival		7999	8
Carpenter		1751	8
Carpet			
	Cleaning	7217	6
	Installation	1752	8

	Retail	5713	2
	Wholesale	5023	2
Carriage, horse drawn for hire		4789	1
Cater		5812	1

### EXHIBIT "A"

Cement manufacture (chemical adhesives)		2891	4
Cement products (see Concrete)			
Cemetery			
	Agent or sales of sites	6553	7
	Caretaker	0782	3
Charcoal, producers		2861	4
Chauffeur and limousine tour services		4119	5
Cheese, manufacturer or processor		2022	2
Chemical and allied products, manufacture		2819	4
Chimney cleaner		7349	5
Chiropractor		8041	7
Christmas tree sales		5241	2
Cigarettes, cigars, tobacco			
	Manufacture	21	7
	Retail	5993	3
	Wholesale	5194	2
Circus		7999	8
Claim adjustment agent or agency		6411	7
Clay, stone and glass products, manufacture		3200	2
Clipping service, press		8999	3
Closing out sale— See Municipal Code for regulations			
Clothing			
	Retail	5651	1
	Secondhand dealer	5932	3
	Wholesale	5130	2
Coal, wood or coke			
	Retail	5989	3
	Wholesale	5052	2
Coffee or tea store – retail		5499	1
Coffee roasters and wholesale coffee dealers		5149	2
Coin shop – retail		5999	3
Cold storage warehouse		4222	3
Collection and claim agency		7322	5
Compact disks music-retail		5735	2
Computer			
	E-Mail service only	4822	4

	Internet provider	7375	5
	Repairs	7378	4
	Service (not repairs)	7371-7379	5
	Stores-retail	5734	2

**EXHIBIT "A"**

	Concession stands (peddlers)	5963	8
	Concrete		
	Manufacture (paving)	2951	3
	Manufacture, ready-mixed	3273	2
	Mixtures and products-retail	5211	2
	Wholesale	5032	2
	Consultant, business	8748	7
	Contractors, construction—all types	15,16,17	8
	Carpentry	1751	
	Commercial and industrial building	154	
	Concrete	1771	
	Electrical	1731	
	Flooring	1752	
	General contractors, residential & commercial	15	
	Grading/excavating	1794	
	Heavy construction other than residential	16	
	Masonry	1741	
	Painting & paper hanging	1721	
	Plastering, dry wall, acoustical, & insulation	1742	
	Plumbing, heating & air-conditioning	1711	
	Residential building	152	
	Roofing, siding & sheet metal	1761	
	Signs, erecting	1799	
	Special trade contractors	17	
	Tile, terrazzo, marble	1743	
	Convalescent home	8052	7
	Convenience store—primarily gasoline and limited food-retail	5541	1
	Convention promoter or decorator	7389	5
	Cosmetics		
	Manufacture	2844	4
	Retail	5999	3
	Wholesale	5122	2
	Cotton brokers	6221	5

Cotton presses and warehouses	4221	3
Cotton mill	2211	2
Cracker manufacture	2051	2
Craft shops	5945	3

**EXHIBIT "A"**

Crafters (peddlers)	5963	8
Credit reporting agency	7323	5
<b>D</b>		
<b>Dairy</b>		
Products – retail	5451	1
Products – wholesale	5143	2
Supplies – wholesale	5084	2
Dancing school	7911	3
Dance hall	7911	3
<b>Data processing</b>		
Service	7379	5
Systems, supplies and equipment	7372	5
<b>Day care</b>		
Adult and handicapped	8322	7
Child	8351	7
Decorator, interior	7389	5
Delicatessen	5411	1
<b>Delivery service</b>		
Local trucking without storage	4212	3
Messenger/courier (except air)	4215	3
Dental equipment and supplies – wholesale	5086	2
Dental laboratory	8072	7
Dentist	8021	7
Department store	5311	1
Design of machinery	8712	7
Detective service	7381	5
Diaper service	7219	6
Directory – telephone – distribution	7389	5
Dog kennel or grooming	0752	3
Dressmaker for retail trade	5699	1
Drinking place – alcoholic	5813	8
Driver training school	8299	7
<b>Drugs – store</b>		
Retail	5912	3
Wholesale	5122	2
Dry cleaning		

	Coin-operated	7215	6
	Retail or agents	7212	6
	Wholesale	7219	6
Dry goods			

**EXHIBIT "A"**

	Retail	5399	1
	Wholesale	5131	2
Dyeing and finishing textiles		2269	2
<b>E</b>			
Electric appliances and supplies			
	Repair	7629	4
	Retail	5722	2
	Wholesale	5064	2
Electric Power Company		4900	8
Electrical Contractor		1731	8
Electrical machinery – manufacture		3600	3
Electronics, consumer – retail		5731	2
Elevator dealer – wholesale		5084	2
Elevator maintenance		7699	4
Employment agency		7361	5
Engineering services		8711	7
Engraving, metal		3479	2
Entertainment		7929	3
Equipment rental – construction		7353	5
Escort service		7299	6
Explosives – wholesale		5169	2
Exterminators		7342	5
<b>F</b>			
Fabrics – retail		5949	3
Factors		6153	3
Farm and industrial machinery – wholesale		5080	2
Farm machinery – retail		5599	8
Fertilizer			
	Manufacture	2874	4
	Retail	5261	2
	Wholesale	5191	2
Field warehousing		7389	5
<b>Film</b>			
	Developers for general public	7384	5
	Developers for movies and TV	7819	3
	Distributor	7822	3
Finance company		6141	3



Fire and security services	7382	5
Fireworks		
Retail + \$50.00 State License Required +	5999	3
Wholesale	5092	2

**EXHIBIT "A"**

Fish and seafood		
Retail	5421	1
Wholesale	5146	2
Fisheries	0912	5
Fishermen's equipment – retail	5941	3
Fixtures and furniture – manufacture	2500	2
Flea market operator	7389	5
Floor covering		
Contractor	1752	8
Retail	5713	2
Wholesale	5023	2
Florist		
Retail	5992	3
Wholesale	5193	2
Flour – wholesale	5149	2
Flowers, real or artificial		
Retail	5992	3
Wholesale	5193	2
Food		
Broker	5141	2
Retail, not consumed on premises	5411	1
Wholesale	5141	2
Food service equipment – sale and installation	1799	8
Fortune telling	Prohibited	
Foundry	3300	2
Freight forwarder	4731	1
Fruit and produce		
Harvesting by machine	0722	3
Retail	5431	1
Wholesale	5148	2
Fuel oil		
Retail	5983	3
Wholesale	5172	2
Funeral home, mortician, crematory	7261	6
Fur, clothing – retail	5632	1
Furnace		

	Retail	5075	2
	Wholesale	5075	2
	Heating contractor	1711	8
Furniture			

**EXHIBIT "A"**

	Repair, refinishing, upholstering	7641	4
	Retail	5712	2
	Secondhand	5932	3
	Wholesale	5021	2
	Manufacture	2500	2
<b>G</b>			
Garage, auto repairs		7538	3
Garbage service, collection and disposal		4953	6
Garment pressing, alteration		7212	6
Gas			
	Liquefied petroleum and equipment	5984	3
	Natural gas company	4900	8
Gasoline – Service station			
	Retail	5541	1
	Wholesale	5172	2
Gift shop		5947	3
Glass			
	Motor vehicles sale and installation	7536	3
	Products, manufacture	3200	2
	Retail	5231	2
Golf			
	Courses (including miniature)	7992	3
	Sporting goods retail	5941	3
Grain			
	Broker (Commodity)	6221	5
	Dealer – wholesale or retail	5153	2
	Elevator	4221	3
Gravel			
	Retail	5211	2
	Wholesale	5032	2
Greeting Cards – retail		5947	3
Grocers			
	Retail	5411	1
	Wholesale	5141	2
Guns			
	Retail or dealer	5941	3

	Wholesale	5091	2
Gunsmith		7699	4
H			
Hair grooming		7231-7241	6

**EXHIBIT "A"**

Hardware			
	Retail	5251	2
	Wholesale	5072	2
Hazardous waste storage, disposal or transportation		4953	6
Health			
	Club	7991	3
	Food store	5499	1
	Health services, HMO	8010	7
	Health services, medical service plans (insurance)	6324	8
	Home health care services	8082	7
Hearing aids – retail		5999	3
Heating contractor		1711	8
Hemstitching and pleating		7219	6
Hobby shop		5945	3
Holding companies		6700	7
Horticulturist		0781	3
Hose, industrial – wholesale		5085	2
Hosiery			
	Mill	2200	2
	Retail	5632	1
	Wholesale	5137	2
Hospital			
	Animal	0742	3
	General medical and surgical	8062	7
	Psychiatric	8063	7
	Specialty	8069	7
Hotel		7011	2
Hotel supplies, wholesale		5046	2
House mover, wrecker		1799	8
I			
Ice – dealer			
	Retail	5999	3
	Manufacture	2097	2
Ice cream			
	Manufacture	2024	2
	Retail dairy products	5451	1

	Shop or stand	5812	1
	Wholesale	5143	2
Industrial chemicals – wholesale		5169	2
Industrial and farm machinery and equipment		5080	2

## EXHIBIT “A”

Inn, food and lodging		7011	2
Insulation contractor		1742	8
Insurance – adjuster		6411	7
	Agent, broker (see 8 for non-admitted), solicitor	6411	7
	Broker for non-admitted insurer	6411	8
	Company, fire and casualty	633 – 635	8
	Company, life and health	631 – 632	8
	Company, title and others not elsewhere classified	636 – 639	8
	Consultant or engineer	6411	7
Interior decorator		7389	5
Internet			
	Provider, information retrieval	7375	5
	E-Mail (electronic mail service only)	4822	4
Investment counselor		6282	5
Investment firm, general brokerage		6211	5
Iron and steel, semi-finished items – wholesale		5051	2
J			
Janitor or housekeeping service		7349	5
Janitor supplies – wholesale		5087	2
Jewelry			
	Repair	7631	4
	Retail	5944	3
	Wholesale	5094	2
Junk dealer – wholesale		5093	8
K			
Karate school		7999	3
Kennel		0752	3
Kerosene & fuel oil, heating			
	Retail	5983	3
	Wholesale	5172	2
Kindergarten		8211	7
Kitchen designers and contractors		1521	8
Knitting mill – textile manufacture		2253	2
L			
Laboratory, testing, commercial		8734	7

Lamps		
	Retail	5719 2
	Wholesale	5023 2
Land title or abstract company		6361 1
Landfill, solid waste		4953 6

**EXHIBIT "A"**

Landscape service		0781 3
Lapidary		
	Retail shop	5999 3
	Supplies and equipment – wholesale	5085 2
Laundries		7215 6
Laundry agent or pickup station		7211 6
Lawn care service		0782 3
Lawnmowers		
	Repair	7699 4
	Retail	5261 2
	Wholesale	5083 2
Leased equipment, not otherwise listed		7359 5
Leasing company, vehicles, and non-expendable equipment		7510 3
Leather goods – retail		5948 3
Leather and products, manufacture		3111 2
Legal services, attorney		8111 7
Libraries, lending and depositories in stores		8231 7
Limousine service		4111 5
Linen service		7213 6
Livestock dealer and services		0751 3
Locksmith		7699 4
Locker, cold storage of food		4222 3
Luggage – retail		5948 3
Lumber		
	Manufacture	2400 3
	Retail	5211 2
<b>M</b>		
Machine shop		3599 4
Magazine, sales or subscriptions, door-to-door		5963 8
Mail order business		5961 3
Management consultant		8742 7
Manicurist		7231 6
Manufactured home (See mobile home)		
Manufacturing		
	Chemicals and allied products	2800 4

	Clay, stone and glass products	3200	2
	Computer equipment	3500	4
	Electrical machinery, equipment, supplies	3600	3
	Furniture and fixtures	2500	2
	Leather and leather products	3100	2
	Lumber	2400	3

**EXHIBIT "A"**

	Machinery – industrial, commercial, computer	3500	4
	Medicine	2833	4
	Metals, primary	3300	2
	Metal products	3400	2
	Paper and allied products	2600	3
	Petroleum refining and related	2900	3
	Rubber and miscellaneous products	3000	2
	Soap	2841	4
	Textile mill products	2200	2
	Tobacco products	2100	7
	Transportation equipment	3700	2
	Manufacturing not otherwise listed	3900	2
	Marble, building – cut and shape	3281	2
	Marble, granite and other stone yards	5032	2
	Marina	4493	3
	Massage	7299	6
	Mattress		
	Manufacture	2515	2
	Retail	5712	2
	Meat processing	2013	2
	Meat		
	Retail market	5421	1
	Wholesale	5147	2
	Medical and health services	8000	7
	Medical, dental, hospital equipment and supplies – wholesale	5047	2
	Medicine – manufacture	2833	4
	Men's and boys wearing apparel – retail	5611	1
	Messenger service	4215	3
	Metal jobber – wholesale	5051	2
	Metal products, manufacture	3400	2
	Milk		
	Retail	5451	1
	Wholesale	5143	2
	Millinery		
	Retail	5632	1

	Wholesale	5137	2
Mining			
	Metals	1000	7
	Minerals	1400	5
Miscellaneous business services, not listed		8999	3
Mobile home			

#### EXHIBIT "A"

	Parks	6515	7
	Repairs	7699	4
	Retail	5271	2
Money lender – industrial loans, finance company (not banks)		6141	3
Monuments – retail		5999	3
Mortgage broker		6163	3
Motel		7011	2
Motion picture			
	Film agent	7829	3
	Operator	7832	3
	Supply house	5043	2
	Theater and drive-in	7833	3
Motor freight line		4231	3
Motor vehicle driver training school		8299	7
Motoreycles			
	Dealer or agent	5571	8
	Rental	7999	3
	Repairs	7699	4
Motor vehicle dealer – retail		551-552	8
Motors, outboard – retail		5551	8
Movers, trucking and storage		4214	3
Multigraphing or photocopying		7334	5
Music – sheet music and musical instruments			
	Retail	5736	2
	School	8299	7
	Tapes & compact disks – retail	5735	2
	Teachers & educational services	8299	7
	Wire transmitted, systems	7389	5
Musicians – entertainers		7929	3
N			
Natatorium or swimming pool		7999	3
Neckwear – retail		5611	1
News syndicate		7383	5
Newspaper			

	Advertising	7311	5
	Publishing	2711	4
	Retail	5994	3
	Wholesale	5192	2
Newsstand		5994	3
Nightclub		5813	8
Notions, novelties			

**EXHIBIT "A"**

	Peddlers	5963	8
	Retail	5947	3
Nursery, day		8351	7
Nursery or horticulturist		5261	2
Nurses registry		7361	5
Nursing home			
	Skilled care	8051	7
	Intermediate care	8052	7
	Assisted living with health care	8053	7
O			
Office building, rental agent		6531	7
Office furniture			
	Rental	7359	5
	Retail	5999	3
	Wholesale	5021	2
Office machines			
	Rental	7359	5
	Retail	5999	3
	Service and repair	7629	4
	Wholesale	5044	2
Office supplies			
	Retail	5999	3
	Wholesale	5112	2
Oil, fuel only			
	Retail	5983	3
	Wholesale	5172	2
Ophthalmic goods – wholesale		5048	2
Optical goods			
	Retail	5995	3
	Wholesale	5048	2
Optometrist		8042	7
Osteopathic, physicians and clinics		8031	7
P			



Packing house, cold storage	4222	3
Paging service, electronic	4812	8
Paint		
Manufacture	2851	4
Retail	5231	2
Wholesale	5198	2
Paper and allied products		

**EXHIBIT "A"**

Manufacture	2621	3
Retail	5943	3
Wholesale	5113	2
Parcel delivery company	4215	3
Parking lots and garages	7521	3
Parking spaces, trailer park	6515	7
Party shop	5411	1
Pawn brokers, all types	5932	8
Peanut and popcorn stands	5441	1
Peddlers, all types	5963	8
Personal holding company	6719	7
Personnel supply services	7361	5
Pest control - exterminators	7342	5
Pet		
Grooming, kennel, boarding, training	0752	3
Shop	5999	3
Pharmacy	5912	3
Phonograph records		
Retail	5735	2
Wholesale	5099	2
Photo copying	7334	5
Photograph developing and retouching	7384	5
Photographer		
Commercial	7335	5
Portraits	7221	6
Photo supply store - retail	5946	3
Physical fitness center	7991	3
Physician	8011	7
Piano tuner	7699	4
Pianos - retail	5736	2
Pictures or picture frames - retail	5999	3
Plating, silver etc.	3471	2
Plumbing		

	Contractor	1711	8
	Supplies and equipment		
	Retail	5211	2
	Wholesale	5074	2
	Pool cleaning	7349	5
	Polygraph service	7381	5
	Printing or duplicating, all types	2700	4
	Produce—retail and wholesale	5141	2

**EXHIBIT “A”**

	Promoters, sports and entertainment	7941	3
	Public relations	8743	7
	Publisher	2731	4
	Pulpwood yards, wholesale	5099	2
	Pumps		
	Retail	5999	3
	Wholesale	5084	2
	R		
	Radiator repairs	7539	3
	Radio and tv		
	Retail	5731	2
	Rental or lease	7359	5
	Repairs	7622	4
	Stations	4832	4
	Supplies and parts	5065	2
	Railroad company	4000	8
	Real estate		
	Operator, lessor	651	7
	Agent broker, realtor, manager	6531	7
	Developer, subdivider	6552	7
	Recreation center	7999	3
	Recreation vehicle dealer—retail	5561	8
	Reducing salon	5772	2
	Refrigerators		
	Retail	5722	2
	Wholesale	5064	2
	Rehabilitation house, after care	8081	7
	Rental service, miscellaneous, not listed	7359	5
	Repair services, miscellaneous	7699	4
	Reporter, stenographer, fee or commission	7338	5
	Repossession service	7389	5
	Representative, business	7389	5

Residential care – home	8361	7
Restaurant	5812	1
Retail trade		
Apparel and accessories	5699	1
Building materials, hardware, farm equipment, etc.	5200	2
Food	5411	1
Furniture, home equipment	5712	2
General merchandise	5399	1
Miscellaneous, not listed	5999	3

**EXHIBIT “A”**

Retirement center	8361	7
Riding school, academy	7999	3
Roofing		
Contractor	1761	8
Manufacture	2952	3
Retail	5211	2
Wholesale	5033	2
Rooming house	7021	2
Rubber – related products – manufacture	3069	2
Stamps – manufacture	3999	2
Stamps – retail	5999	3
Rugs and carpets – retail	5713	2
S		
Safes – wholesale	5044	2
Sales, door-to-door or by telephone	5963	8
Sales engineer	7389	5
Sales office. See heading under product.		
Sales promotion	7389	5
Sand		
Retail	5211	2
Wholesale	5032	2
Sandwiches		
Manufacture and wholesale	5149	2
Retail	5812	1
Sanitarium	8051	7
Satellite antenna – sales and installation – household	5731	2
Satellite master antenna systems – services	4841	4
Sausage factory	2013	2
Saw mill, planing mill	2421	3
Saws – wholesale	5072	2
Scales		

	Coin-operated	7299	6
	Wholesale	5046	2
School			
	Acting	8299	7
	Dance	7911	3
	Educational or vocational	8200	7
	Supplies and books – retail	5943	3
	Supplies and desks – wholesale	5021	2
Scrap Yards – wholesale		5093	8

**EXHIBIT “A”**

Screens, doors, windows			
	Manufacture	2431	3
	Retail	5211	2
	Wholesale	5051	2
Secondhand goods, all types		5932	3
Secretarial service		7338	5
Security and guard services (state permit and bond required)		7381	5
Seeds – retail		5261	2
Sewer pipe – wholesale		5032	2
Sewing machines			
	Manufacture	3634	3
	Retail	5722	2
	Wholesale	5064	2
Shipyards		3731	2
Shirts, manufacture		2326	2
Shoes			
	Repair	7251	6
	Retail	5661	1
	Wholesale	5139	2
Shooting gallery		7999	3
Shopping service for individuals		7299	6
Shuffleboards		7999	3
Sign painter		7389	5
Signs, erecting		1799	8
Silver and gold dealers – retail		5944	3
Skating rink – ice or rollerskate		7999	3
Soap			
	Manufacture	2841	4
	Wholesale	5122	2
Social club, membership		8641	1
Soda fountain		5812	1
Soda fountain supplies – wholesale		5145	2

Soda water – wholesale	5145	2
Soft drinks – wholesale	5145	2
Soft drink stands – retail	5812	1
Solicitor (see peddler)	5963	8
Spa – health club	7991	3
Sporting goods		
Retail	5941	3
Wholesale	5091	2
Stable, feed, boarding or sales	7999	3

**EXHIBIT “A”**

Stamp shop – retail (philatelist)	5999	3
Stationery, including books	5943	3
Statuary – retail	5999	3
Steam, heating and cooling contractor	1711	8
Stenographer, fee or commission	7338	5
Stevedoring	4491	3
Stock broker or dealer	6211	5
Stone, clay, glass products – manufacture	3299	2
Stoves		
Repair	7699	4
Retail	5722	2
Wholesale	5064	2
Manufacture	3631	3
Sugar – wholesale	5149	2
Surgical instruments – wholesale	5047	2
Surveyor	8713	7
Swimming pool contractor	1799	8
T		
Tailor, custom – retail	5699	1
Tailor shop – repair	7219	6
Talent agent	7399	5
Tanning salon	7299	6
Tape recorders – retail	5731	2
Tapes, music – retail	5735	2
Tavern	5813	8
Tax service	7291	6
Taxi cab	4121	7
Taxidermist	7699	4
Tea, coffee – retail	5499	1
Telegraph or signal company agent	4822	4
Telephone		
Answering service	7389	5

	Beeper service, radio pager	4812	8
	Billing services	7389	5
	Communication services (based on gross receipts Billed to customers within the city)	481	8
	Company	481	8
	Directory	7389	5
	Equipment leasing	7359	5
	Equipment sales – retail	5999	3
	Installation	1731	8

**EXHIBIT “A”**

	Maintenance	7629	4
	Paging service, electronic	4812	8
	Pay phones, public	7389	5
	Solicitation service	7389	5
	Television		
	Broadcast station	4833	4
	Closed circuit system	4841	4
	CATV	Franchise	
	Pay TV	Franchise	
	Television and VCR		
	Rent or lease	7359	5
	Repair	7622	4
	Tape rental	7841	3
	Temporary employment agency	7363	5
	Tents		
	Manufacture	2394	2
	Repair	7699	4
	Retail	5999	3
	Textile Mill, fiber, fabric or goods production, dyeing, finishing, printing	2200	2
	Theater		
	Motion picture	7832	3
	Stage	7922	3
	Theatrical or night club act, agent	7922	3
	Ticket agent, theatrical	7922	3
	Tile		
	Contractor	1743	8
	Manufacture	3253	2
	Retail	5211	2
	Wholesale	5032	2
	Tin and metal shop, repair only	7699	4
	Tires, recapping	7534	3

Tobacco products			
	Manufacture	21	7
	Retail	5993	3
	Wholesale	5194	2
Tour buses		4141	5
Tourist guides		7999	3
Towel service and rental - uniforms, rags, etc.		7213	6
Toys			
	Retail	5945	3

### EXHIBIT "A"

	Wholesale	5092	2
Tractors. See industrial and farm machinery			
Trade shows			
	Promoters	7389	5
	Sales (see peddlers)	5963	8
Trading stamps, dealers or companies		7389	5
Trailer			
	Parking lot, rental, campers	7033	2
	Parks, residential	6515	7
	Rental	7519	3
Transportation - Equipment - manufacture		3799	2
	Freight agent, broker	4731	1
	Mobile unit handicapped, nursing care	4119	5
Travel - agency, bureau - domestic and foreign		4724	1
	Ticket office not operated by transportation company	4729	1
	Tour operator	4725	1
Tree trimming, arborist		0783	3
Trophy shop		5999	3
Truck and auto rental or leasing		7513	3
Trucking, except rental or leasing		4212	3
Trusses, dealers		5999	3
Tuxedo rental		7299	6
Typesetting		2791	4
Typewriters and office machines			
	Retail	5999	3
	Wholesale	5044	2
U			
Uniform rental		7299	6
Uniform supply service		7213	6
Upholstery shop		7641	4
V			

Vacuum cleaners			
	Retail	5722	2
	Wholesale	5064	2
Variety store		5331	1
Vehicles. See heading under type			
Vending machines			
	Sale of products	5962	8
	Wholesale	5046	2
Veterinarian		0742	3

**EXHIBIT "A"**

Video poker, coin-operated machines		7993	8
Video tape			
	Rental	7841	3
	Sales—retail	5735	2
Vinyl siding—installation		1761	8
	W		
Wall paper			
	Retail	5231	2
	Wholesale	5198	2
Warehouse and storage		4225	3
Washing cars		7542	3
Washing machines—retail		5722	2
Waste paper and rags—wholesale		5093	2
Watchmaker—repairs		7631	4
Water or steam hose—wholesale		5085	2
Water transportation services		4400	3
Waterbeds retail		5712	2
Weather stripping			
	Installation	1799	8
	Retail	5211	2
Weight control—reducing facilities		7991	2
Welding shop		7692	4
Welding supplies—wholesale		5085	2
Wholesalers—not otherwise listed:			
	Durable goods	5099	2
	Nondurable goods	5199	2
Wigs			
	Retail	5699	1
	Wholesale	5199	2
Wood sawyer, sawing wood by machinery		2421	3
Woodenware—retail		5999	3



Woolen mill	2282-4	2
Wrecker, towing service	7549	3
Wrecking buildings	1795	8
X		
X-ray laboratories	8071	7
X-ray machines—wholesale	5047	2
Y		
Yacht basins—operation	4493	3
Yacht clubs	7997	3

**EXHIBIT “A”**

Yard cleaning	0782	3
Yard goods		
Retail	5949	3
Wholesale	5131	2
Yarn		
Manufacture	2281	2
Retail	5949	3
Yogurt		
Manufacture	2024	2
Retail shop, stand	5812	1
Wholesale	5143	2

Sec. 10-1-200. - Local industry license.

Any person who desires to exclusively engage in the business of offering for public sale at designated locations, as determined by the town manager, farm and garden products or flowers grown on the property of such person, or flower arrangements, arts or crafts produced in the home of such person, or seafood caught by such person, shall secure from the town an annual business license, but shall be exempt from the payment of a business license fee.

Sec. 10-1-210. - Telecommunications companies.

(a) Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services," as defined in S.C. Code § 58-9-2200, shall be at the maximum rate authorized by S.C. Code § 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. The rate for the 2005 business license tax year shall be the maximum rate allowed by State law as in effect on February 1, 2005. Declining rates shall not apply.

(b) In conformity with S.C. Code § 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality

regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one (1) year, the amount of business license tax shall be computed on a 12-month projected income.

(c) For the year 2005, the business license tax for "retail telecommunications services" shall be due on February 1, 2005, and payable by February 28, 2005, without penalty. For years after 2005, the business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

**EXHIBIT "A"**

(d) The delinquent penalty shall be five (5) percent of the tax due for each month, or portion thereof, after the due date until paid.

(e) Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

(f) Nothing in this section shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

(g) All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this section.

(h) As authorized by S.C. Code § 5-7-300, the agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code § 58-9-2200 shall continue in effect. Notwithstanding the provisions of the agreement, for the year 2005, the Municipal Association of South Carolina is authorized to collect current and delinquent license taxes, in conformity with the due date and delinquent date for 2005 as set out in this Ordinance and is further authorized, for the year 2005, to disburse business license taxes collected, less the service charge agreed to, to this municipality on or before April 1, 2005, and thereafter as remaining collections permit.

<u>NAICS</u>	<u>Business Group</u>
<u>11</u>	<u>Agriculture, Forestry, Fishing and Hunting</u>
<u>21</u>	<u>Mining, Quarrying and Gas and Oil Extraction</u>
<u>22</u>	<u>Utilities</u>
<u>23</u>	<u>Construction</u>
<u>31-33</u>	<u>Manufacturing</u>
<u>42</u>	<u>Wholesale Trade</u>
<u>44-45</u>	<u>Retail Trade</u>

<b><u>48-49</u></b>	<b><u>Transportation and Warehousing</u></b>
<b><u>51</u></b>	<b><u>Information</u></b>
<b><u>52</u></b>	<b><u>Finance and Insurance</u></b>
<b><u>53</u></b>	<b><u>Real Estate and Rental and Leasing</u></b>
<b><u>54</u></b>	<b><u>Professional, Scientific and Technical Services</u></b>
<b><u>55</u></b>	<b><u>Management of Companies and Enterprises</u></b>

**EXHIBIT “A”**

<b><u>NAICS</u></b>	<b><u>Business Group</u></b>
<b><u>56</u></b>	<b><u>Administrative and Support and Waste Management and Remediation Services</u></b>
<b><u>61</u></b>	<b><u>Educational Services</u></b>
<b><u>62</u></b>	<b><u>Health Care and Social Assistance</u></b>
<b><u>71</u></b>	<b><u>Arts, Entertainment and Recreation</u></b>
<b><u>72</u></b>	<b><u>Accommodation and Food Services</u></b>
<b><u>81</u></b>	<b><u>Other Services</u></b>
<b><u>92</u></b>	<b><u>Public Administration</u></b>

## **EXHIBIT “B”**

### Chapter 9 - BEACH PRESERVATION FEE

#### Sec. 4-9-10. Authority.

This chapter is enacted pursuant to the authority of Title 5, Code of the State of South Carolina (1976), including, without limitation, section 5-7-10 of the Code of Laws of South Carolina (Supp. 1992), and section 5-7-30 of the Code of Laws of South Carolina (Supp. 1992), which provide, in relevant part, that municipalities may adopt all ordinances which appear necessary and proper for the security, general welfare and convenience of the municipality and for the preservation of the general health, peace and order in the municipality and further that municipalities may establish uniform service charges.

#### Sec. 4-9-20. Declaration of purpose and intent.

This chapter is enacted to preserve the general health, safety and welfare of the general public within the Town of Hilton Head Island, South Carolina by creating a uniform fee to be collected for the purpose of creating an additional fund to pay, in whole or in part, for the current and future preservation, maintenance, nourishment, renourishment, and improvement of the beaches of Hilton Head Island, and also those public facilities related to the use, preservation, maintenance, nourishment, renourishment and improvement of the beaches of Hilton Head Island, South Carolina.

#### Sec. 4-9-30. Beach preservation fee.

A uniform fee equal to two (2.00) percent is hereby imposed on the gross proceeds derived from the rental for any rooms (excluding meeting rooms), campground spaces, recreational vehicle spaces, lodgings or sleeping accommodations furnished to transients by any hotel, inn, condominium, motel, "bed and breakfast", residence or any other place in which rooms, lodgings or sleeping accommodations are furnished to transients for a consideration within the Town of Hilton Head Island, South Carolina. The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person or persons for a period of ninety (90) continuous days are not considered proceeds from transients.

#### Sec. 4-9-40. Payment of beach preservation fee.

Payment of the fee established herein shall be the liability of the consumer of the services described in section 4-9-30, supra. The fee shall be paid at the time of delivery of the services to which the fee applies, and shall be collected by the provider of the services.

## **EXHIBIT “B”**

### Sec. 4-9-50. Collection of beach preservation fee.

(a) The fee collected by the provider of the service as required by section 4-9-40 shall be remitted to the Town of Hilton Head Island, South Carolina, as follows:

- (1) Payment of the beach preservation fees collected in the first quarter of the calendar year shall be due on April 20th of each calendar year;
- (2) Payment of the beach preservation fees collected in the second quarter of the calendar year shall be due on July 20th of each calendar year;
- (3) Payment of the beach preservation fees collected in the third quarter of the calendar year shall be due on October 20th of each calendar year;
- (4) Payment of the beach preservation fees collected in the fourth quarter of the calendar year shall be due on January 20th of each calendar year.

(b) The town shall promulgate a form of return which shall be utilized by the remitter to calculate the amount of fees collected and due hereunder for each period. Said form shall contain a sworn declaration as to the correctness thereof by the remitter, and shall accompany each payment made to the Town of Hilton Head Island, South Carolina, pursuant hereto.

### Sec. 4-9-60. Beach preservation account.

(a) An interest bearing, restricted account to be known as the Town of Hilton Head Island Beach Preservation Account is hereby established and all revenues received from the "beach preservation fee" shall be deposited into this account. The "Town of Hilton Head Island Beach Preservation Account" shall be controlled by the town manager for the Town of Hilton Head Island, South Carolina. The principal and any accrued interest from this account shall be expended only as permitted in section 4-9-70, below.

(b) Deposits into this account may also include appropriations from the general fund by the town council and voluntary contributions of money and other liquid assets to the "Town of Hilton Head Island Beach Preservation Account" from any source. Once funds are deposited, appropriated or donated into the "Town of Hilton Head Island Beach Preservation Account", the funds become dedicated funds and may only be used for the purposes set forth in section 4-9-70, below.

### Sec. 4-9-70. Permitted uses of funds.

(a) The town council is hereby authorized to utilize the funds collected from the imposition of the beach preservation fee and any other funds deposited into the "Town of Hilton Head Island Beach Preservation Account" for the primary purposes of:

- (1) Nourishment, renourishment (resanding) and maintenance of the beaches within the territorial limits of the Town of Hilton Head Island, South Carolina;

## EXHIBIT "B"

- (2) Dune restoration, including the planting of grass, sea oats or other vegetation useful in preserving the dune system within the territorial limits of the Town of Hilton Head Island, South Carolina;
  - (3) Maintenance of public beach access within the territorial limits of the Town of Hilton Head Island, South Carolina;
  - (4) Capital improvements to the beaches and beach related facilities, such as public parking areas for beach access; dune walkovers and rest room facilities, with or without changing rooms, at public beach parks within the territorial limits of the Town of Hilton Head Island, South Carolina; and
  - (5) Beach related services, including, but not limited to, the cost of police protection on the beaches, litter removal, beach monitoring services and other such services provided directly to or for the citizens, visitors and guests using the beaches within the territorial limits of the Town of Hilton Head Island, South Carolina.
  - (6) Transfers of monies from the Town of Hilton Head Island's Beach Preservation Account to the Town of Hilton Head Island Beach Preservation Disaster Relief Fund.
  - (7) Payment of principal, interest, redemption premium and any other costs associated with debt incurred for a purpose authorized herein.
  - (8) Establishment of reserve accounts, subaccounts or funds to be established and maintained in connection with the issuance of debt to be repaid in whole or in part from the Beach Preservation Fee.
- (b) Authorization to utilize any funds from the "Town of Hilton Head Island Beach Preservation Account", as provided in section 4-9-60(a) shall be by the annual budget ordinance duly adopted by the Town Council of the Town of Hilton Head Island, South Carolina; provided, however, utilization of such funds to satisfy a pledge, covenant or other legally binding obligation incurred in connection with the issuance of debt to be repaid in whole or in part from the Beach Preservation Fee, shall not require approval in the annual budget ordinance.

Sec. 4-9-80. - Reserved.

## EXHIBIT "B"

### Sec. 4-9-90. Inspections and audits.

For the purpose of enforcing the provisions of this chapter, the code enforcement officer or other authorized agent of the Town of Hilton Head Island, South Carolina, is empowered to enter upon the premises of any person subject to this chapter and to make inspections, examine and audit books and records, and it shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours' written notice. In the event that an audit reveals that false information has been filed by the remitter, the costs of the audit shall be added to the correct amount of fees determined to be due, in addition to the penalties provided in section 4-9-100, infra. The code enforcement officer may make systematic inspections of all businesses within the town to ensure compliance with this chapter. Records of inspections shall not be deemed public records.

### Sec. 4-9-100. Violations and penalty.

(a) It shall be a violation of this chapter to:

- (1) Fail to collect the "beach preservation fee" in connection with the rental of any accommodations to transients as set forth in section 4-9-30, supra;
- (2) Fail to remit to the Town of Hilton Head Island, South Carolina, any "beach preservation fees" collected pursuant to this chapter by the 20th of each month following the end of the quarter thereof, as set forth in section 4-9-50(a), supra;
- (3) Knowingly provide false information return to be submitted to the Town of Hilton Head Island, South Carolina pursuant to section 4-9-50(b), supra;
- (4) Fail or refuse to provide books and records to the code enforcement officer of the Town of Hilton Head Island, South Carolina, for the purpose of an audit, upon twenty-four (24) hours' written notice, as provided in section 4-9-90, supra.

(b) Upon conviction for a violation hereof, the violator shall be guilty of a misdemeanor and subject to the penalties provided in section 1-5-10, Code of the Town of Hilton Head Island, South Carolina (1983).

(c) In the event "beach preservation fees" are not remitted to the Town of Hilton Head Island, South Carolina, as set forth in the **Municipal Code Title 10, Section 10-1-120** ~~section 4-9-100(a)(2)~~, supra, the violator shall pay a penalty of five (5) percent of the unpaid amount for each month or portion thereof past due until said "beach preservation fees" are paid in full.

(d) Upon identification of a delinquent account the director of finance or his/her designee has the authority to establish payment plans, revenue procedures, and reduce or waive penalties based the revenue procedures as adopted with this amendment.

## **EXHIBIT “C”**

### Chapter 10 - LOCAL ACCOMMODATIONS TAX

#### ARTICLE 1. AUTHORITY, PURPOSE AND INTENT

##### Sec. 4-10-10. Authority.

This chapter is enacted pursuant to the authority of Titles 5 and 6, Code of Laws of South Carolina (Supp. 1996), including, without limitation, S. C. Code Ann. section 5-7-10 (Supp. 1997), and S. C. Code Ann. section 5-7-30 (Supp. 1997), which provide that municipalities may adopt all ordinances which appear necessary and proper for the security, general welfare and convenience of the municipality and for the preservation of the general health, peace and order in the municipality, and S. C. Code Ann. section 6-1-500 (Supp. 1997), which provides express authorization for a Local Accommodations Tax.

##### Sec. 4-10-20. Declaration of purpose and intent.

This chapter is enacted to preserve the general health, safety and welfare of the general public within the town, by enacting a one (1) percent local accommodations tax to be collected for the purpose of creating an additional source of funding to pay, in whole or in part, for the current and future needs of the town, for the following items: tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums; cultural, recreational, or historic facilities; beach access and renourishment; highways, roads, streets, and bridges providing access to tourist destinations; advertisements and promotions related to tourism development; water and sewer infrastructure to serve tourism-related demand; and, the operation and maintenance of those items previously enumerated, and police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

##### Sec. 4-10-30. Local accommodations tax.

A local accommodations tax equal to one (1.00) percent is hereby imposed on the gross proceeds derived from the rental of any rooms (excluding meeting rooms), campground spaces, recreational vehicle spaces, lodging or sleeping accommodations furnished to transients by any hotel, inn, condominium, motel, "bed and breakfast," residence or any other place in which rooms, lodging or sleeping accommodations are furnished to transients for consideration within the town. The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person or persons for a period of ninety (90) days are not considered "proceeds from transients."

##### Sec. 4-10-40. Payment of local accommodations tax.

Payment of the local accommodations tax established herein shall be the liability of the consumer of the services described in section 4-10-30, supra. The local accommodations tax shall be paid at the time of delivery of the services to which the local accommodations tax applies, and shall be collected by the provider of the services.



## EXHIBIT "C"

### Sec. 4-10-50. Collection of the local accommodations tax.

(a) The local accommodations tax collected by the provider of the services as required by section 4-10-40, *supra.*, shall be remitted to the town, as follows:

- (1) Payment of the local accommodations tax collected in the first quarter of the calendar year shall be due on April 20 of each calendar year;
- (2) Payment of the local accommodations tax collected in the second quarter of the calendar year shall be due on July 20 of each calendar year;
- (3) Payment of the local accommodations tax collected in the third quarter of the calendar year shall be due on October 20th of each calendar year;
- (4) Payment of the local accommodations tax collected in the fourth quarter of the calendar year shall be due on January 20th of each following calendar year.

(b) The town, shall promulgate a form of return which shall be utilized by the remitter of the local accommodations tax to calculate the amount of local accommodations tax collected and due for each period. Said form shall contain a sworn declaration as to the correctness thereof by the remitter, and shall be accompanied by the payment due to the town.

(c) In the event that local accommodations taxes are not remitted to the town, as set forth in the **Municipal Code Title 10 Section 10-1-120**, ~~4-10-50 *supra.*~~, the person failing to remit such local accommodations taxes shall pay, in addition to the local accommodations taxes which are due, a penalty of five (5) percent of the unpaid amount of the local accommodations tax for each month or portion thereof past due, until such local accommodations taxes are paid in full.

### Sec. 4-10-60. Local accommodations tax account.

(a) An interest bearing, restricted account to be known as "the town, Local Accommodations Tax Account," is hereby established and all revenues received from the local accommodations tax shall be deposited into this account." The town, Local Accommodations Tax Account," shall be controlled by the town manager for the town. The principal and any accrued interest thereon shall be spent only as provided in section 4-10-70, *infra.*

(b) Deposits into "the town, Local Accommodations Tax Account" may also include appropriations from the general fund by the Town Council and voluntary contributions of money and other liquid assets from any source. Once any such funds are so deposited, the funds become dedicated funds and may only be spent as provided in section 4-10-70, *infra.*

## **EXHIBIT “C”**

### Sec. 4-10-70. Permitted uses of local accommodations tax funds.

(a) The town council is hereby authorized to utilize the funds collected from the imposition and collection of the local accommodations tax and any other funds deposited into "The Town of Hilton Head Island, South Carolina, Local Accommodations Tax Account." The revenue generated by the local accommodations tax must be used exclusively for the following purposes:

- (1) Tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums;
- (2) Tourism-related cultural, recreational, or historic facilities;
- (3) Beach access and renourishment;
- (4) Highways, roads, streets, and bridges providing access to tourist destinations;
- (5) Advertisements and promotions related to tourism development;
- (6) Water and sewer infrastructure to serve tourism-related demand; and,
- (7) The operation and maintenance of those items provided in (a)(1) through (a)(6) above, including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities;
- (8) For those purposes set forth in section 4-10-100.

(b) The town shall set aside five (5) percent of the local accommodations tax collected hereunder, and shall deposit the same into an advertising account in the general fund as identified in the accounting and financial policies section of the annual budget as adopted by town council, with said funds to be utilized as provided therein.

(c) Authorization to utilize any funds from the "the town, Local Accommodations Tax Account," shall be by the annual budget ordinance duly adopted by the town council for the town.

### Sec. 4-10-80. Inspections and audits.

For the purpose of enforcing the provisions of this chapter, the code enforcement officer or other authorized agent of the town, is empowered to enter upon the premises of any person subject to this chapter and to make inspections, examine and audit books and records, and it shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours' written notice. In the event that the audit reveals that false information has been filed by the remitter, the costs of the audit shall be added to the correct amount determined to be due, in addition to the penalties provided in section 4-10-90, infra. The code enforcement officer may make systematic inspections of all businesses within the town, to ensure compliance with this chapter. Records of such inspections shall not be deemed public records.

## EXHIBIT “C”

Sec. 4-10-90. Violations and penalty.

(a) It shall be a violation of this chapter to:

- (1) Fail to collect the local accommodations tax in connection with the rental of any accommodations to transients as set forth in section 4-10-30, supra;
- (2) Fail to remit to the Town of Hilton Head Island, South Carolina, any local accommodations taxes collected pursuant to this chapter by the 20th of each month following the end of the quarter thereof, as set forth in section 4-10-50(a), supra;
- (3) Knowingly provide false information return to be submitted to the Town of Hilton Head Island, South Carolina, as set forth in section 4-10-50(b), supra.
- (4) Fail to provide books and records to the code enforcement officer or other authorized agent of the Town of Hilton Head Island, South Carolina, for the purpose of an examination or audit upon twenty four (24) hours' written notice, as provided in section 4-10-80, supra.

(b) Upon conviction for a violation of a violation hereof, the violator shall be guilty of a misdemeanor and subject to the punishment provided in section 1-5-10 of this Code.

(c) Upon identification of a delinquent account the director of finance or his/her designee has the authority to establish payment plans, revenue procedures, and reduce or waive penalties based on the revenue procedures as adopted with this amendment.

Sec. 4-10-100. Management and use of local accommodations tax.

*Event management and hospitality training program fund.* The town shall set aside five (5) percent of this local accommodations tax for special events production and volunteerism and hospitality training. The town shall select one (1) organization to manage and direct such fund expenditures. To be eligible for selection the organization must be local, organized as a nonprofit (501c), and be mission driven to promote tourism development. The organization must employ a full-time executive director and provide an annual audited financial report in accordance with generally accepted accounting principles. The organization must not otherwise be designated as the official tourism agency by the town or any other governmental agency. The organization is required to submit an annual budget to the town prior to April 1 of each calendar year for inclusion in the town's proposed annual budget. The town council shall consider the budget and award the organization a reimbursable grant on a June 30 fiscal year basis.

## **EXHIBIT “D”**

### Chapter 13 - LOCAL HOSPITALITY TAX

#### Sec. 4-13-10. Authority.

This Chapter is enacted pursuant to the authority of S.C. Code Ann. Section 6-1-700, et seq. (Supp. 1999).

#### Sec. 4-13-20. Declaration of purpose and intent.

The chapter is enacted to preserve the general health, safety and welfare of the general public within the town by creating a dedicated funding source, to pay, in whole or in part, for the current and future construction, enhancement, preservation and maintenance of tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums; cultural, recreational, or historic facilities; beach access and renourishment; highways, roads, streets, and bridges providing access to tourist destinations; advertisements and promotions related to tourism development; and water and sewer infrastructure to serve tourism-related demand.

#### Sec. 4-13-30. Definitions.

As used herein, the following words shall mean:

*Beverages* shall include all beverages, including, but not limited to, alcoholic beverages, beer, wine, and any non-alcoholic beverage.

*Establishments* shall mean any individual, partnership, corporation or business entity, regardless of form which, as a part of its business offers prepared meals for sale to the general public, whether for consumption on the premises or off.

*Establishments licensed for on premises consumption of alcoholic beverages, beer or wine* shall mean any individual, partnership, corporation or business entity, regardless of form, which is licensed by the State of South Carolina alcoholic beverage commission to offer alcoholic beverages, beer or wine for sale or consumption on its premises.

*Gross sales price* shall mean the total charge for any prepared meal or beverage, exclusive of any other taxes, fees or gratuity.

*Prepared meals* shall mean any prepared food item prepared or offered for sale by any establishments or establishments licensed for on premises consumption of alcoholic beverages, beer or wine, whether consumed on the premises or off.

## **EXHIBIT “D”**

Sec. 4-13-40. Local hospitality tax.

A uniform tax equal to two (2) percent is hereby imposed on the gross sales price of prepared meals and beverages sold in establishments and also on the gross sales price of sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer or wine. Said tax shall be imposed throughout the municipal limits of the town.

Sec. 4-13-50. Payment and collection of local hospitality tax.

Payment of the local hospitality tax shall be the liability of the consumer of prepared meals and beverages as described in section 4-13-30, supra. The local hospitality tax shall be paid at the time of the purchase of the prepared meals and beverages and shall be collected by the establishments or establishments licensed for on-premises consumption of alcoholic beverages, beer or wine selling the prepared meals and beverages.

Sec. 4-13-60. Collection and remittance of local hospitality tax.

(a) The local hospitality tax collected by establishments or establishments licensed for on-premises consumption of alcoholic beverages, beer or wine, shall be remitted to the town, as follows:

- (1) Payment of local hospitality taxes collected in the first quarter of any calendar year shall be due on April 20 of the calendar year;
- (2) Payment of local hospitality taxes collected in the second quarter of any calendar year shall be due on July 20 of the calendar year;
- (3) Payment of local hospitality taxes collected in the third quarter of any calendar year shall be due on October 20 of the calendar year;
- (4) Payment of local hospitality taxes collected in the fourth quarter of any calendar year shall be due on January 20 of the calendar year immediately following.

(b) The town shall promulgate a form of return which shall be utilized by the establishments or establishments licensed for on-premises consumption of alcoholic beverages, beer or wine, collecting local hospitality taxes, to calculate the amount of local hospitality taxes due for each calendar year quarter. Said form shall contain a sworn declaration as to the correctness thereof by the remitter and shall accompany each payment made to the town, pursuant hereto.

## **EXHIBIT “D”**

### Sec. 4-13-70. Local hospitality tax account.

(a) An interest bearing, restricted account to be known as the town hospitality tax account, is hereby established and all revenues received from the local hospitality tax imposed hereby shall be deposited into this account. The town local hospitality tax account shall be controlled by the town manager. The principal and any accrued interest from this account shall only be used for the purposes set forth in section 4-13-80, below.

(b) Deposits into this account may also include appropriations from the general fund by the town council and voluntary contributions of money and other liquid assets to the town hospitality tax account from any source. Once funds are deposited into the town hospitality tax account, the funds become dedicated funds and may only be used for the purposes set forth in section 4-13-80, below.

### Sec. 4-13-80. - Permitted uses of funds.

(a) The town council is hereby authorized to utilize the funds collected from the imposition of the local hospitality tax and any other funds deposited into the town hospitality tax account for the following purposes, and no other:

- (1) To pay, in whole or in part for the current and future construction, enhancement, preservation and maintenance of:
  - a. Tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums;
  - b. Tourism-related cultural, recreational, or historic facilities;
  - c. Beach access and renourishment;
  - d. Highways, roads, streets, and bridges providing access to tourist destinations;
  - e. Advertisements and promotions related to tourism development; and,
  - f. Water and sewer infrastructure to serve tourism-related demand.
- (2) To pay, in whole or in part, for the operation and maintenance of those items provided in section 4-13-80(a)(1)a. through f. above, including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.
- (3) The town shall set aside two (2) percent of the local hospitality taxes collected hereunder, subject to the ordinance or other legally binding obligation of the town authorizing the issuance of debt secured in whole or in part by the local hospitality tax, and shall deposit the same into an advertising account in the general fund as identified in the accounting and financial policies section of the annual budget as adopted by town council, with said funds to be utilized as provided therein.
- (4) To pay principal, interest, redemption premium and any other costs associated with debt incurred for a purpose authorized herein.

## **EXHIBIT "D"**

(b) Authorization to utilize any funds from the town hospitality account as provided in subsection 4-13-80(a) shall be by annual budget ordinance duly adopted by the town council for the town, and as the same may be amended from time to time; provided, however, utilization of such funds to satisfy a pledge, covenant or other legally binding obligation incurred in connection with the issuance of debt to be repaid in whole or in part from the local hospitality tax shall not require approval in the annual budget ordinance.

### **Sec. 4-13-90. - Inspections and audits.**

For the purpose of enforcing the provisions of this chapter, the code enforcement officer of the town is empowered to enter upon the premises of any establishments or establishments licensed for on premises consumption of alcoholic beverages, beer or wine subject to the provisions of this chapter and to make inspections, and to examine and audit books and records of such establishments and establishments licensed for on premises consumption of alcoholic beverages, beer or wine. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours' written notice. In the event that an audit reveals that false information has been provided by the remitter, the cost of the audit shall be added to the correct amount of local hospitality taxes determined to be due. This shall be in addition to any other fines or penalties provided for in section 4-13-100, below. The code enforcement officer may make systematic inspections of all establishments and establishments licensed for on premises consumption of alcoholic beverages, beer or wine within the town, to ensure compliance with this chapter. Records of any such inspections shall not be deemed public records.

### **Sec. 4-13-100. - Violations and penalty.**

(a) It shall be a violation of this Chapter to:

- (1) Fail to collect the "Local Hospitality Tax" in connection with the sale of any prepared meals and beverages as set forth in section 4-13-50, above;
- (2) Fail to remit to the Town of Hilton Head, South Carolina, any "Local Hospitality Taxes" collected pursuant to this Chapter by the 20th of each month following the end of the quarter thereof, as set forth in section 4-13-50 and section 4-13-60, above;
- (3) Knowingly provide false information on any return submitted to the Town of Hilton Head Island, South Carolina, as set forth in section 4-13-60, above; or,
- (4) Fail or refuse to provide books and records to the Code Enforcement Officer of the Town of Hilton Head Island, South Carolina, for the purpose of an audit, upon twenty-four (24) hours' written notice, as provided in section 4-13-90, above.

(b) Upon conviction for a violation hereof, the violator shall be guilty of a misdemeanor and subject to the penalties provided in section 1-5-10, Code of the Town of Hilton Head Island, South Carolina (1983).

**EXHIBIT "D"**

(c) In the event "Local Hospitality Taxes" are not remitted to the Town of Hilton Head Island, South Carolina, as set forth in the **Municipal Code Title 10, Section 10-1-120** ~~section 4-13-50~~, supra., the person failing to remit shall also pay a penalty of five (5) per cent of the unpaid amount for each month or portion thereof until said "Local Hospitality Taxes" are paid in full.

(d) Upon identification of a delinquent account the Director of Finance or his/her designee has the authority to establish payment plans, revenue procedures, and reduce or waive penalties based the Revenue Procedures as adopted with this amendment.

Sec. 4-13-110. - Reserved.





## **MEMORANDUM**

**TO:** Town Council

**FROM:** John Troyer, CPA, Director of Finance

**VIA:** Stephen G. Riley, ICMA-CM, Town Manager

**DATE:** July 18, 2018

**RE:** **Second Reading of Proposed Ordinance No. 2018-10**

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**Recommendation:**

Staff recommends Town Council approve the second reading of Proposed Ordinance No. 2018-10 to amend the General, Capital Projects and Debt Service Funds' budgets for the fiscal year ending June 30, 2018.

**There have been no changes.**

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2018-10**

**AN ORDINANCE TO AMEND THE BUDGET FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE FISCAL YEAR ENDING JUNE 30, 2018; TO PROVIDE FOR THE EXPENDITURES OF CERTAIN FUNDS; TO ALLOCATE THE SOURCES OF REVENUE FOR THE SAID FUNDS; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 5-7-260 of the Code of Laws of South Carolina requires that a municipal council act by ordinance to adopt a budget and levy taxes, pursuant to public notice; and

**WHEREAS**, the Town Council did adopt the budget on June 20, 2017, and

**WHEREAS**, pursuant to the budget amendment policy as stated in the Town’s annual budget document, the Town Council is desirous of amending the budget so as to provide for additional revenues, and the expenditures and certain other commitments from the Fund Balance and other revenue sources, as well as to correct budget appropriations for certain projects in the General, Capital Projects, and Debt Service Funds.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL:**

Section 1 Amendment. The adopted 2018 fiscal year budget is amended to make the following changes as increases and decreases to the funds from prior years and to the projected revenue and expenditure accounts as follows:

<b>General Fund</b>	
<b><u>Account Description</u></b>	<b><u>Amount</u></b>
<b>Revenues:</b>	
General Fund Revenue	-
<b>Total Revenues</b>	<b>-</b>
<b>Expenditures:</b>	
Townwide Personnel	250,000
Townwide Operating	(250,000)
<b>Total Expenditures</b>	<b>-</b>

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2018-10**

**Capital Projects Fund**

<u><b>Account Description</b></u>	<u><b>Source of Funds</b></u>	<u><b>Amount</b></u>
<b>Revenues:</b>		
Beach Bond		298,932
2016 BAN		26,000,000
TIF Bond		-
GO Bond		(2,085,000)
Hospitality Bond		688,289
Hospitality Tax Transfer In		1,396,711
<b>Total Revenues</b>		<b><u><u>26,298,932</u></u></b>
<b>Expenditures:</b>		
Transfer to Debt Service	Beach Bond	298,932
Principal Payment on 2016 BAN	2016 BAN	25,000,000
Interest Payment on 2016 BAN	2016 BAN	1,000,000
Office Park Road Intersection Improvements	TIF Bond	605,000
Coligny Park Improvements	TIF Bond	(605,000)
Fire Rescue Medical Equipment	GO Bond	(2,085,000)
Fire Rescue Medical Equipment	Hospitality Bond	688,289
Fire Rescue Medical Equipment	Hospitality Tax Transfer In	1,396,711
<b>Total Expenditures</b>		<b><u><u>26,298,932</u></u></b>

**Debt Service Fund**

<u><b>Account Description</b></u>	<u><b>Amount</b></u>
<b>Revenues:</b>	
Property Tax Collections	(4,200,000)
Transfer In:	
Disaster Fund Propety Taxes	4,200,000
Beach Bond	298,932
<b>Total Revenues</b>	<b><u><u>298,932</u></u></b>
<b>Expenditures:</b>	
Principal on Bonds	4,235,000
Interest on Bonds	(4,235,000)
Transfer Out to 2016 BAN repayment	298,932
<b>Total Expenditures</b>	<b><u><u>298,932</u></u></b>

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2018-10**

The effects of this amendment for fiscal year 2018 are presented below.

	General Fund		Cap Proj Fund		Debt Service	Total Governmental Funds		
	Expenditures	Revenues & Transfers In	Expenditures, Transfers Out & Other Uses	Revenues & Transfers In & Other Sources	Expenditures, Transfers Out & Other Uses	Revenues & Transfers In	Expenditures, Transfers Out & Other Uses	Revenues & Transfers In & Other Sources
Current Balance	\$ 41,025,521	\$ (40,464,880)	\$ 77,209,431	\$ (77,445,383)	\$ 24,200,000	\$ (25,914,371)	\$142,434,952	\$ (143,824,634)
Amendment	-	-	26,298,932	(26,298,932)	298,932	(298,932)	26,597,864	(26,597,864)
Revised Balance	41,025,521	(40,464,880)	103,508,363	(103,744,315)	24,498,932	(26,213,303)	169,032,816	(170,422,498)

**Enterprise Fund  
Stormwater Fund**

	Expenditures & Transfers Out	Revenues & Transfers In
Current Balance	\$ 8,085,903	\$ (8,088,310)
Amendment	-	-
Revised Balance	8,085,903	\$ (8,088,310)

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2018-10**

Section 2 Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3 Effective Date. This Ordinance shall be effective upon its enactment by the Town Council of the Town of Hilton Head Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2018.**

\_\_\_\_\_  
David Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Krista Wiedmeyer  
Town Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Gregory M. Alford  
Town Attorney

Introduced by Council Member:  
  
\_\_\_\_\_



# **TOWN OF HILTON HEAD ISLAND**

## *Community Development Department*

**TO:** Stephen G. Riley, ICMA~CM, *Town Manager*  
**VIA:** Charles Cousins, *AICP, Director of Community Development*  
**VIA:** Jennifer Ray, *ASLA, Planning and Special Projects Manager*  
**FROM:** Anne Cyran, *AICP, Senior Planner*  
**CC:** Shawn Colin, *AICP, Deputy Director of Community Development*  
**DATE:** August 2, 2018  
**SUBJECT:** Santee Cooper Easement First Reading: Proposed Ordinance 2018-11

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### **Recommendation:**

Staff recommends Town Council approve first reading of Proposed Ordinance 2018-11 for the conveyance of permanent easement rights to Santee Cooper for a linear easement across Town property associated with the construction of a new 115 kV line to serve the forecasted load on Hilton Head Island.

### **Summary:**

Under potential outage conditions identified in planning studies, the electrical load carried by the existing Hilton Head Gas Turbine-Market Place 115 kV Line can exceed planning guidelines and design parameters. The addition of a second 115 kV line is recommended to serve the forecasted load on Hilton Head Island and to maintain adopted system reliability guidelines.

Santee Cooper requests that the Town grant the conveyance of permanent easement rights for access to the property and for the installation and maintenance of the recommended infrastructure.

### **Background:**

Attachment C depicts the Town-owned property and the existing and proposed easement locations.

### **Attachments:**

- Proposed Ordinance 2018-11
- Exhibit A: Right-of-Way and Easement Agreement
- Attachment B: Plat Showing Proposed Easement
- Attachment C: Aerial Photo of Existing and Proposed Easements

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO ENCUMBER PROPERTY OWNED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, PURSUANT TO THE AUTHORITY OF S.C. CODE ANN. § 5-7-40 (SUPP. 2012), AND § 2-7-20, *CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA*, (1983); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the Town of Hilton Head Island (“Town”) owns a parcel of real property known generally as Beaufort County PIN R510-008-000-0153-0000; and located on Hilton Head Island, South Carolina (hereinafter, the “Property”); and,

WHEREAS, the South Carolina Public Service Authority (“Santee Cooper”) has planned and desires to undertake an upgrade of the Hilton Head Gas Turbine-Market Place 115 kV Line which involves the installation, upgrade and maintenance of electrical lines located in the vicinity of the Property, which project is for the benefit and use of the general public; and

WHEREAS, the Town has determined that it is in the best interest of the Town to grant an easement to Santee Cooper for the aforementioned purposes pursuant to that certain Right-of-Way and Easement Agreement, a copy of which is attached hereto as Exhibit “A”; and,

WHEREAS, under the provisions of S.C. Code Ann. § 5-7-40 (SUPP. 2011) and § 2-7-20, *Code of the Town of Hilton Head Island , South Carolina*, (1983), the conveyance or granting of an interest in real property owned by the Town of Hilton Head Island must be authorized by Ordinance.

**NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL, AS FOLLOWS:**

**Section 1 – Execution, Delivery and Performance of Easement.**

(a) The Mayor and/or Town Manager are hereby authorized to execute and deliver the Right-of-Way and Easement Agreement in substantial conformance with the attached Exhibit "A"; and,

(b) The Town Manager is hereby authorized to take such other and further actions as may be necessary to complete the performance of the Town's obligations under the terms and conditions of the Right-of-Way and Easement.

**Section 2 – Severability.**

If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, then such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 3. – Effective Date.**

This Ordinance shall become effective upon adoption thereof by the Town Council for the Town of Hilton Head Island, South Carolina.

**PASSED AND APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF  
HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2018.**

\_\_\_\_\_  
David Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Krista Wiedmeyer, Town Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Gregory M. Alford, Town Attorney

Introduced by Council Member: \_\_\_\_\_





Proposed Ordinance 2018-11  
Exhibit A, Right-of-Way and Easement Agreement

IN WITNESS WHEREOF, Grantor(s) has duly executed this Agreement the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

TOWN OF HILTON HEAD

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

ACKNOWLEDGMENT

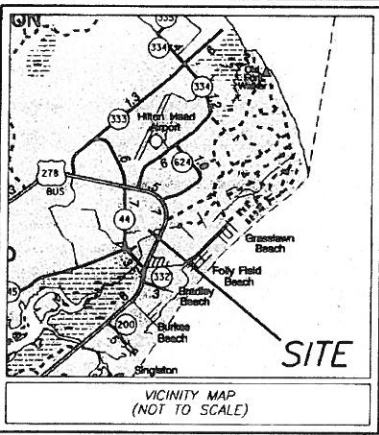
I, \_\_\_\_\_, the undersigned Notary Public, do certify that \_\_\_\_\_, as \_\_\_\_\_ of the Town of Hilton Head, personally appeared before me and having satisfactorily proven to be the person whose name is subscribed above, has acknowledged the due execution of the within easement.

Witness my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Signature of Notary Public  
\_\_\_\_\_  
Print Name of Notary Public  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

# Proposed Ordinance 2018-11 Attachment B, Plat Showing Proposed Easement

R510 008 000 0101 0000



**LEGEND**

- CONCRETE MONUMENT (SET)
  - IRON REBAR (FOUND)
- |      |                |          |
|------|----------------|----------|
| Line | Bearing        | Distance |
| 1    | S 0° 52' 15" W | 68.45'   |
| 2    | N 0° 09' 38" W | 100.00'  |

SOUTH CAROLINA STATE PLANE  
COORDINATE SYSTEM, NAD 83 (11)  
N 136,561.72  
E 2,093,370.80

**TOWN OF HILTON ISLAND**  
R510 008 000 0153 0000

**REFERENCES:**

- SEE PLAT TITLED: CENTRAL ELECTRIC POWER COOP INC ENTRANCE ROAD, GAS TURBINE SUBSTATION AND TRANSMISSION LINE, DATED APRIL 3, 1972, RECORDED IN BEAUFORT COUNTY REGISTER OF DEEDS OFFICE IN PB. 20 PG. 24.

**NOTES:**

- TAX MAP NO. (PARENT TRACT): R510-008-000-0153-0000
- ACCORDING TO S.C. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 4502500014D, EFFECTIVE DATE SEPTEMBER 29, 1986 BEAUFORT COUNTY, IT IS MY OPINION THAT THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN FLOOD HAZARD ZONE A7, BASE FLOOD ELEVATIONS DETERMINED (14.0').
- ALL BEARINGS AND COORDINATES SHOWN ON THIS SURVEY ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD83). DISTANCES SHOWN ARE GROUND DISTANCES, NOT GRID DISTANCES. TO CONVERT GROUND DISTANCES TO GRID DISTANCES MULTIPLY BY 0.999880280.
- THIS SURVEY IS VALID ONLY IF THE PRINT OF SAME HAS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE LAND SURVEYOR.
- A TITLE SEARCH WAS NOT PERFORMED BY THIS SURVEYOR AT THE TIME OF THIS SURVEY.
- THE PROPERTY PLATTED HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AN ELEMENT OF THIS SURVEY. NO STATEMENT IS MADE REGARDING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTINGENCIES THAT MAY AFFECT THE USE OF THIS PROPERTY.
- CONTOUR ELEVATION IS BASED ON NGVD 29 DATUM.
- DEED REFERENCE: D.B. 843, PG. 219.

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

PRELIMINARY

JASON B. HAIRFIELD  
P.L.S. NO. 28136  
ONE RIVERWOOD DRIVE  
MONCK'S CORNER, S.C. 29461



FIELD SURVEY DATE: 11/27/2017  
BEAUFORT COUNTY, SOUTH CAROLINA

**A PLAT SHOWING THE LOCATION OF  
HILTON HEAD - HILTON HEAD  
GAS TURBINES LOOP 115kV  
ON THE LANDS OF THE TOWN OF  
HILTON HEAD SURVEYED AT THE  
REQUEST OF S.C.P.S.A.**

APPROVED



CHECKED	HAIRFIELD	<b>SURVEY</b>
DRAFTER	MCCREA	
DATE	12/1/2017	
SCALE	1" = 60'	SHEET 1 OF 1

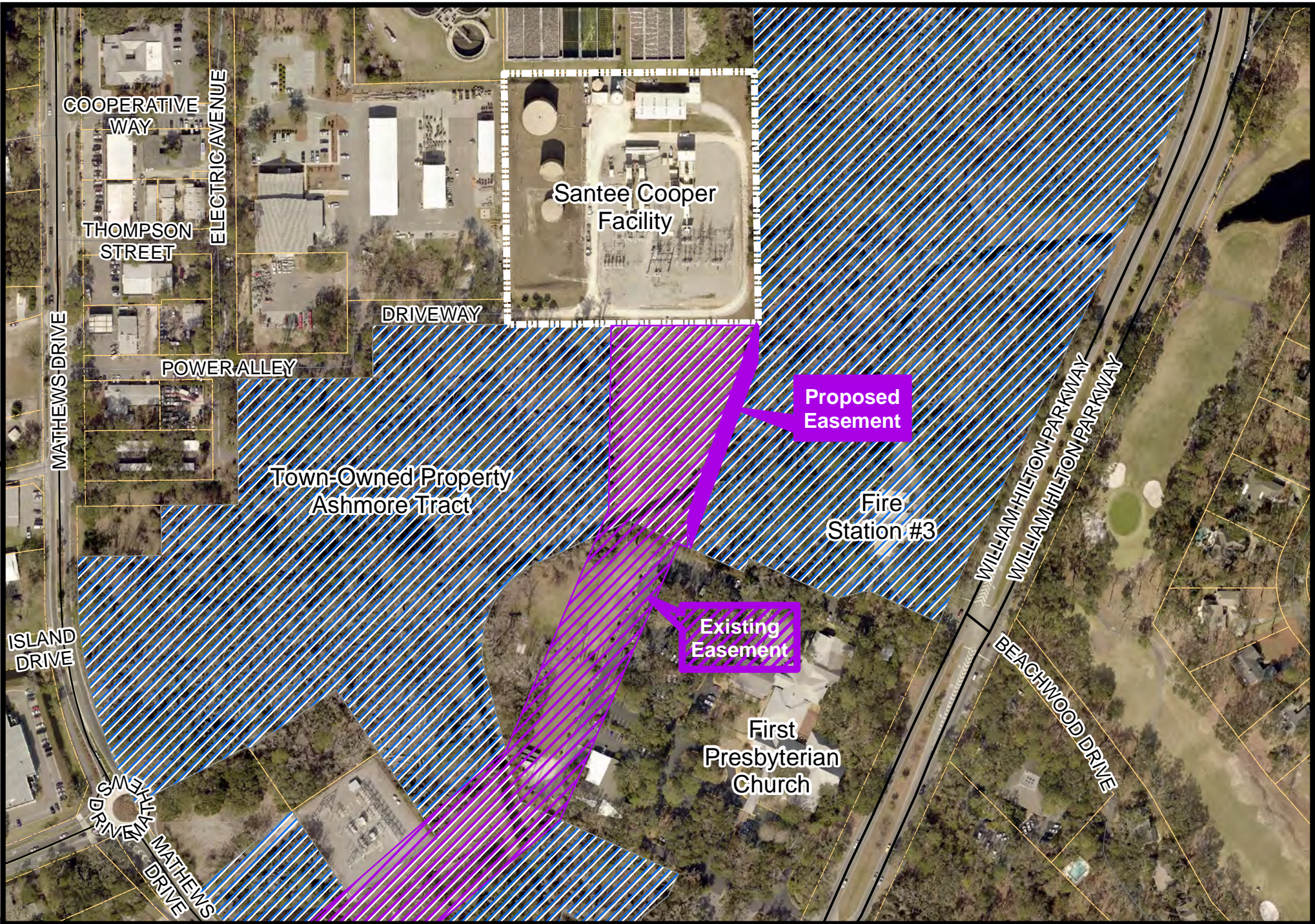
REV.	DATE	DESCRIPTION	DRAFTER	CHECKED	PROJ. NO.

DRAWING NO. **XXXXXXX**

V:\Design\Eng\SURVEY\TRANSSUR\HiltonHead\100504\Hilton Head Gas Turbines R W.DGN







**Santee Cooper Easement**

Attachment C - Aerial Photo of Existing and Proposed Easements





# **TOWN OF HILTON HEAD ISLAND**

## *Community Development Department*

**TO:** Stephen G. Riley, ICMA~CM, *Town Manager*  
**VIA:** Charles Cousins, AICP, *Director of Community Development*  
**VIA:** Jennifer Ray, ASLA, *Planning and Special Projects Manager*  
**FROM:** Anne Cyran, AICP, *Senior Planner*  
**CC:** Shawn Colin, AICP, *Deputy Director of Community Development*  
**DATE:** August 2, 2018  
**SUBJECT:** HHPSD Sewer Easements First Reading: Proposed Ordinance 2018-12

### **Recommendation:**

Staff recommends Town Council approve first reading of Proposed Ordinance 2018-12 for the conveyance of permanent easement rights to Hilton Head Island Public Service District (HHPSD) for linear easements across Town property associated with the Master Sewer Plan Years 3-5, Areas 3 and 6.

### **Summary:**

The Master Sewer Plan Years 3-5 will expand the availability of sewer service in several unserved areas. In Area 3, there is a need to cross three Town-owned properties: R511 007 000 050A 0000, which extends east from U.S. 278 to Mustang Lane; R511 007 000 0068 0000, at the intersection of U.S. 278 and Darling Lane; and R511 007 000 1058 0000, at the intersection of Wild Horse Road and Lawyer Place. In Area 6, there is a need to cross one Town-owned property, R510 008 000 0013 0000, at the intersection of Mathews Drive and Pauline Manor.

HHPSD requested that the Town grant the conveyance of permanent easement rights for access to the property and for the installation and maintenance of sewer infrastructure.

### **Background:**

In 2015, Town Council adopted updated sewer policies in a joint effort with HHPSD to increase the availability of sewer service in unserved areas. These projects are among many scheduled for Years 3-5 to accomplish this goal.

Attachment B depicts the Town-owned properties and the proposed easement locations.

### **Attachments:**

Proposed Ordinance 2018-12  
Exhibit A: Utility Easement Agreement  
Attachment B: Easement Locations

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF A UTILITY EASEMENT AGREEMENT WITH HILTON HEAD PUBLIC SERVICE DISTRICT TO ENCUMBER PROPERTY OWNED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, PURSUANT TO THE AUTHORITY OF S.C. CODE ANN. § 5-7-40 (SUPP. 2012), AND § 2-7-20, *CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA*, (1983); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the Town of Hilton Head Island (“Town”) owns parcels of real property known generally as Beaufort County PINs R511-007-000-050A-0000, R511-007-000-0068-0000, R511-007-000-1058-0000, and R510-008-000-0013-0000; and located in Hilton Head Island, South Carolina (hereinafter, the “Properties”); and,

WHEREAS, Hilton Head Public Service District (“HHPD”) has planned and desires to undertake the Master Sewer Plan Project which involves the installation, upgrade and maintenance of sewer and/or water lines located in the vicinity of the Properties, which project is for the benefit and use of the general public; and

WHEREAS, the Town has determined that it is in the best interest of the Town to grant an easement to HHPD for the aforementioned purposes pursuant to that certain Utility Easement Agreement, a copy of which is attached hereto as Exhibit “A”; and,

WHEREAS, under the provisions of S.C. Code Ann. § 5-7-40 (SUPP. 2011) and § 2-7-20, *Code of the Town of Hilton Head Island , South Carolina*, (1983), the conveyance or granting of an interest in real property owned by the Town of Hilton Head Island must be authorized by Ordinance.

**NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL, AS FOLLOWS:**

**Section 1 – Execution, Delivery and Performance of Easement.**

(a) The Mayor and/or Town Manager are hereby authorized to execute and deliver the Utility Easement Agreement in substantial conformance with the attached Exhibit "A"; and,

(b) The Town Manager is hereby authorized to take such other and further actions as may be necessary to complete the performance of the Town's obligations under the terms and conditions of the Easement.

**Section 2 – Severability.**

If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, then such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 3. – Effective Date.**

This Ordinance shall become effective upon adoption thereof by the Town Council for the Town of Hilton Head Island, South Carolina.

**PASSED AND APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF  
HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2018.**

\_\_\_\_\_  
David Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Krista Wiedmeyer, Town Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Gregory M. Alford, Town Attorney

Introduced by Council Member: \_\_\_\_\_





Proposed Ordinance 2018-12  
Exhibit A, Utility Easement Agreement

bargain, grant, and sell to HHPSD, its successors and assigns, perpetual, non-exclusive easements in the widths set forth below, on, under, over and across the following parcels:

ALL that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, consisting of 0.37 acres, more or less, shown and described as “PARCEL #68, #144 WILLIAM HILTON PKW.” on a plat entitled “An As-Built, Tree and Topographic Survey of a .38 Acre Parcel, Town of Hilton Head Island, Beaufort County, South Carolina” dated January 10, 2005, prepared by T-Square Group, Inc., by Forrest F. Baughman, PLS #4922, and recorded in the Office of the Register of Deeds in Beaufort County, South Carolina, in Plat Book 104 at Page 183.

TMS: R511-007-000-0068-0000

AND ALSO, all that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, and containing 4.5 acres, more or less, and being the western portion of a larger tract known as Beaufort County Tax District 510, Map 8, Parcel 13, containing 8.5 acres, more or less, with said larger tract being bounded on the East by Mathews Drive and on the South by the marshes of Broad Creek.

TMS: R510-008-000-0013-0000

AND ALSO, ALL that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, as shown and designated as four and eight hundred and forty-eight one thousandths acres (4.848), more or less, on a Plat entitled, “A Plat of 4.848 Acres,” prepared by Coastal Surveying, Inc., and dated December 12, 1982 and revised on March 7, 1983. Said Plat is duly recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Judgment Roll #73660.

SAVING AND EXCEPTING that it is conclusively designated that the property hereinabove described lies outside the boundary lines of the property that is designated and described as the 2.12 acres, more or less, in a Plat entitled, “A Plat of 2.12 Acres for Charlie H. White, Irving White, Napoleon A. White,” said Plat being recorded in the Office of the Register of Deeds Office for Beaufort County, South Carolina in Plat Book 21 at Page 96.

ALSO SAVING AND EXCEPTING ALL that certain parcel or strip of land, in fee simple, with improvements thereon, if any, containing 0.03 acres of land and being

Proposed Ordinance 2018-12  
Exhibit A, Utility Easement Agreement

described as follows: Within 55 feet of the survey centerline of the Cross Island Expressway on the right between approximate survey stations 349+06 and 350+46

TMS: R511-007-000-050A-0000

AND ALSO, ALL that certain piece, parcel, or tract of land, situate, lying, and being on Road S-294 (Wild Horse Road) in the Town of Hilton Head Island in Beaufort County, State of South Carolina containing approximately 0.604 of an acre of land and being shown on the South Carolina Department of Transportation Plans for Road S-294, File 7.329, sheet 6, and being the abandoned portion of old Wild Horse Road as shown on a plat entitled "Wildhorse Road Right of Way Property Transfer" prepared for the Town of Hilton Head by Wilbur Smith Associates dated November 19, 2009 and revised May 29, 2010, and recorded May 14, 2010, in Plat Book 130 at Page 103 in the Register of Deeds Office for Beaufort County.

TMS: R511-007-000-1058-0000

The easements granted herein shall be of the widths set forth below, extending from the following sewer lines shown on the engineering drawings entitled "Hilton Head Public Service District Master Sewer Plan Years 3-5 Project, Beaufort County, South Carolina" prepared by Lowcountry Engineering Consultants, LLC dated March 2018, copies of which are attached hereto as Exhibit "A":

TMS: R511-007-000-0068-0000 Five (5') feet from center of LPS sewer line; Ten (10') foot total width

TMS: R510-008-000-0013-0000 Five (5') feet from center of LPS sewer line; Ten (10') foot total width

TMS: R511-007-000-050A-0000 Ten (10') feet from center of sewer line; Twenty (20') foot total width

TMS: R511-007-000-1058-0000 Ten (10') feet from center of sewer line; Twenty (20') foot total width

(hereinafter, collectively the "Easement Property.")

The easements granted herein is for the right, privilege and authority, from time to time, to enter upon, construct, extend, inspect, operate, replace, relocate, repair, and perpetually maintain

Proposed Ordinance 2018-12  
Exhibit A, Utility Easement Agreement

upon, over, along, across, through, and under any and all of said Easement Property now existing or hereinafter laid out, various service lines, manholes, hydrants, valves, meters, and other usual fixtures and appurtenances as may from time to time be or become convenient or necessary for the provision of water and sewer services (the "Improvements"), together with the right of ingress, egress and access to and from such Easement Property across and upon lands of the Town as may be reasonably necessary or convenient for the purposes connected therewith.

The easements are granted and accepted subject to the following terms:

1. This easements are conveyed subject to all other easements, licenses, and conveyances of record and is subject to the rights herein reserved by the Town, its successors and assigns, to utilize the Town's properties at any time, in any manner, and for any purpose, provided, however, that such use by the Town shall not be inconsistent with nor prevent the full utilization by HHPSD, of the rights and privileges granted herein. HHPSD agrees that the use of and access to the Improvements will be under the exclusive control of HHPSD and that they will at all times comply with all applicable laws, rules, codes and regulations.
2. HHPSD agrees to cause all work contemplated hereunder to be performed in a workmanlike fashion with minimal interference to the Town, its successors, assigns, invitees, guests, licensees, and agents. HHPSD further agrees to cause the work contemplated hereunder to be completed in an expeditious and timely fashion, that the Improvements shall at all times be maintained in a safe condition, and that all debris and construction materials relating to work undertaken by HHPSD pursuant to the rights granted hereunder shall be promptly removed. HHPSD shall restore any other part of the Town's property which may be damaged as a result of HHPSD's exercise of the rights granted hereunder to its pre-existing state.

Proposed Ordinance 2018-12  
Exhibit A, Utility Easement Agreement

3. The Town represents and warrants to HHPSD that the Town is the lawful owner in fee simple of the Easement Property and that all requisite approval and authority has been obtained for the Town to grant the easement rights specified herein.

To have and to hold, all and singular, the rights, privileges, and easements aforesaid unto the HHPSD, its successors and assigns, forever.

In Witness whereof, the parties hereto have caused the within Easement Agreement to be executed by their duly authorized officers on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

*SIGNATURES ON FOLLOWING PAGES*

Proposed Ordinance 2018-12  
Exhibit A, Utility Easement Agreement

WITNESSES:

TOWN OF HILTON HEAD ISLAND,  
SOUTH CAROLINA

2) \_\_\_\_\_  
*Signature of Witness #1*

1)By: \_\_\_\_\_  
Stephen G. Riley, ICMA-CM  
Its: Town Manager

3) \_\_\_\_\_  
*Signature of Notary Public*

**STATE OF SOUTH CAROLINA        )**  
**)**  
**COUNTY OF BEAUFORT            )**

**UNIFORM ACKNOWLEDGMENT**  
**S. C. CODE ANN. § 30-5-30 (SUPP. 2017)**

I, the undersigned Notary Public do hereby certify that Stephen G. Riley personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument on behalf of the Town of Hilton Head Island, South Carolina.

Sworn to and Subscribed before me  
on this \_\_\_\_ Day of \_\_\_\_\_, 2018.

4) \_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

Proposed Ordinance 2018-12  
Exhibit A, Utility Easement Agreement

WITNESSES

HILTON HEAD PUBLIC SERVICE  
DISTRICT

\_\_\_\_\_  
*(Signature of Witness #1)*

By: \_\_\_\_\_  
Pete Nardi, General Manager

\_\_\_\_\_  
*(Signature of Notary Public)*

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF BEAUFORT                )   **UNIFORM ACKNOWLEDGMENT**  
  )   **S. C. CODE ANN. § 30-5-30 (SUPP. 2018)**

I, the undersigned Notary Public do hereby certify that Pete Nardi personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument on behalf of Hilton Head No. 1 Public Service District.

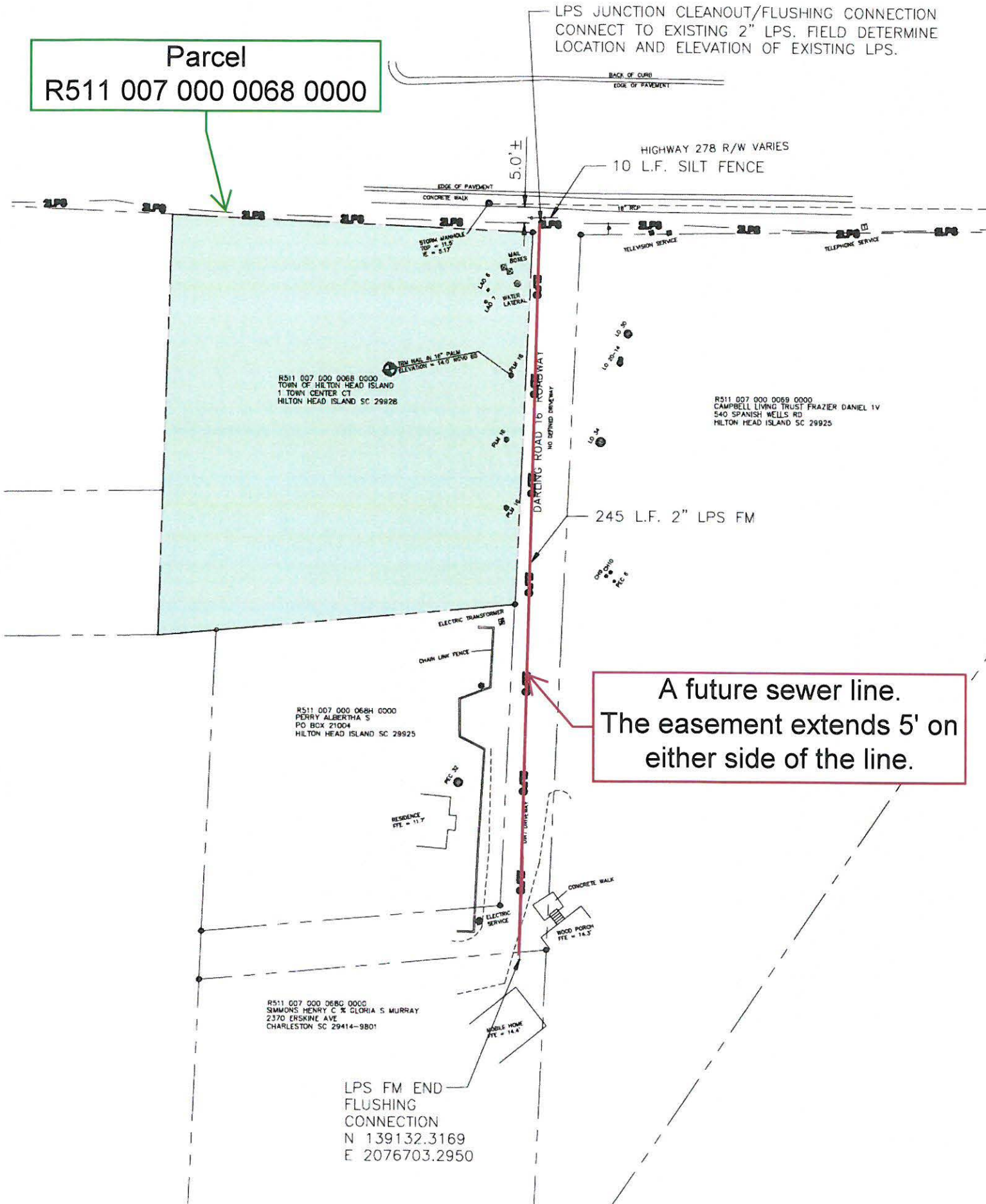
Sworn to and Subscribed before me  
on this \_\_\_\_ Day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_



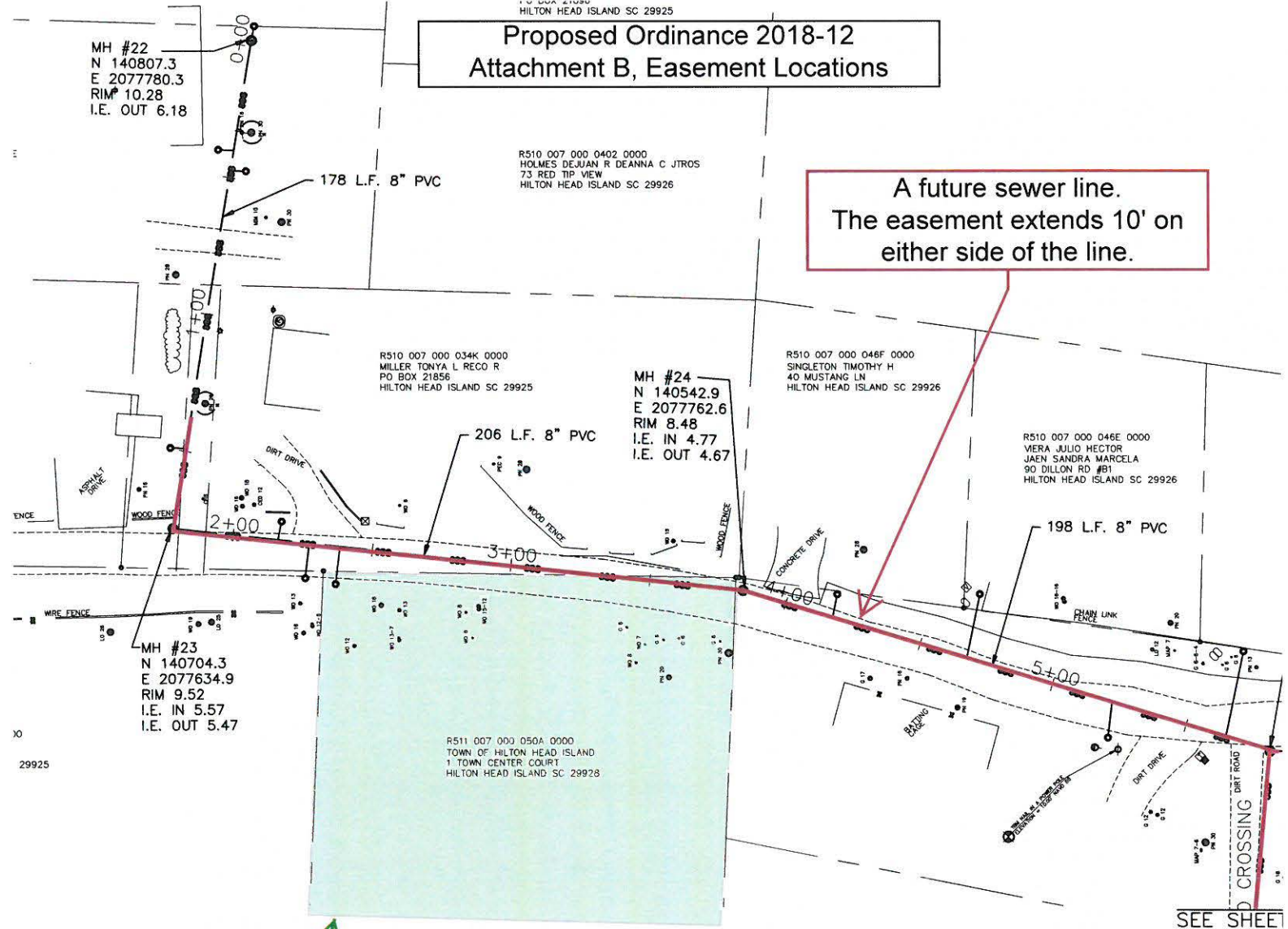


**Proposed Ordinance 2018-12  
Attachment B, Easement Locations**



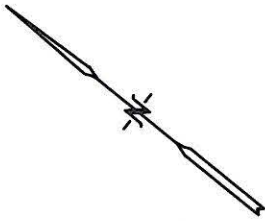
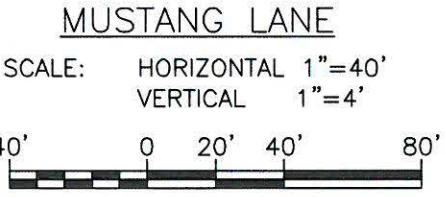


# Proposed Ordinance 2018-12 Attachment B, Easement Locations



A future sewer line.  
The easement extends 10' on  
either side of the line.

Parcel  
R511 007 000 050A 0000



MH #22  
N 140807.3  
E 2077780.3  
RIM 10.28  
I.E. OUT 6.18

R510 007 000 0402 0000  
HOLMES DEJUAN R DEANNA C JTROS  
73 RED TIP VIEW  
HILTON HEAD ISLAND SC 29926

R510 007 000 034K 0000  
MILLER TONYA L RECO R  
PO BOX 21856  
HILTON HEAD ISLAND SC 29925

MH #24  
N 140542.9  
E 2077762.6  
RIM 8.48  
I.E. IN 4.77  
I.E. OUT 4.67

R510 007 000 046F 0000  
SINGLETON TIMOTHY H  
40 MUSTANG LN  
HILTON HEAD ISLAND SC 29926

R510 007 000 046E 0000  
MERA JULIO HECTOR  
JAEN SANDRA MARCELA  
90 DILLON RD #B1  
HILTON HEAD ISLAND SC 29926

R511 007 000 050A 0000  
TOWN OF HILTON HEAD ISLAND  
1 TOWN CENTER COURT  
HILTON HEAD ISLAND SC 29928

MH #23  
N 140704.3  
E 2077634.9  
RIM 9.52  
I.E. IN 5.57  
I.E. OUT 5.47

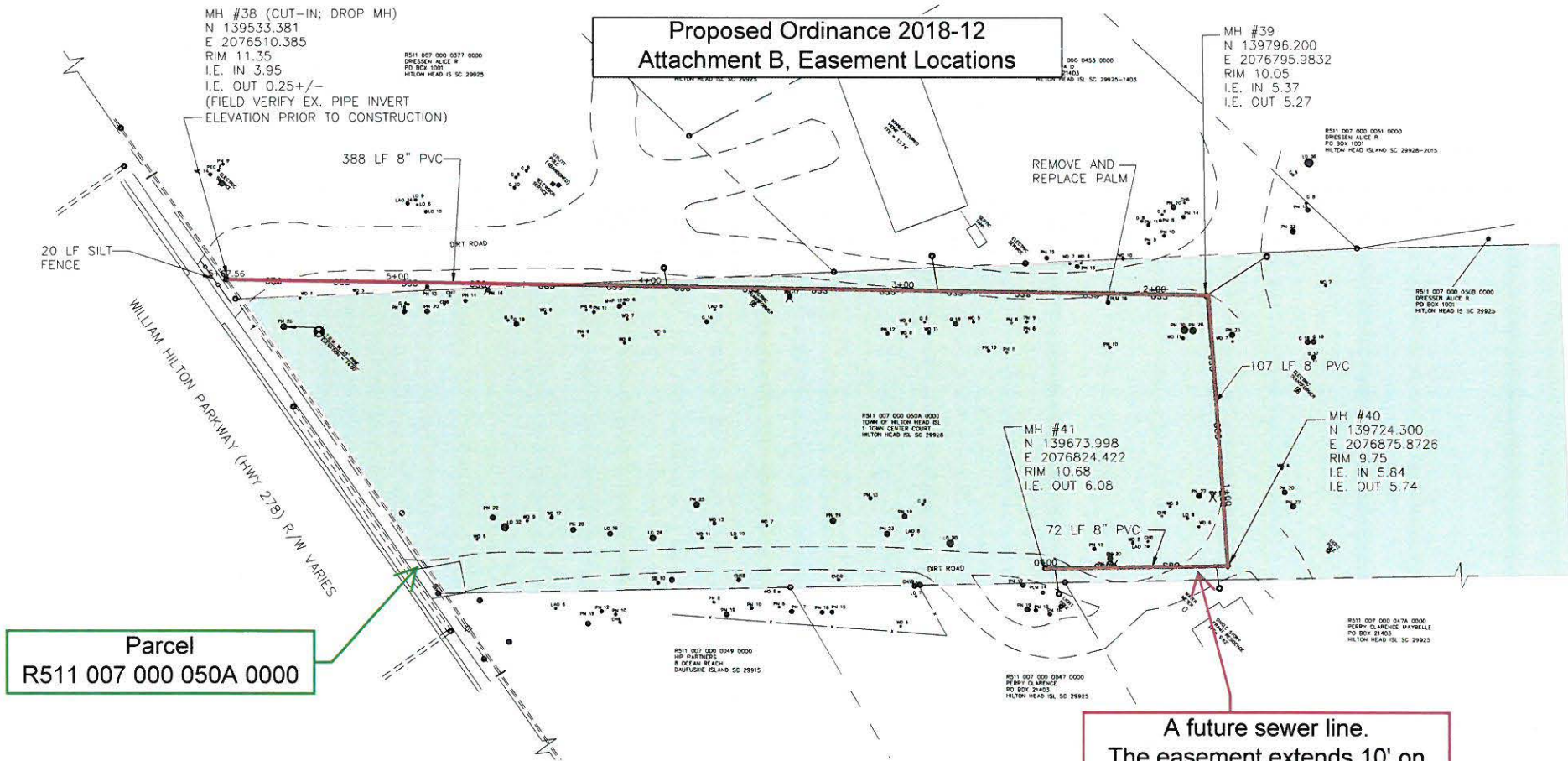
29925

SEE SHEET

# Proposed Ordinance 2018-12 Attachment B, Easement Locations

MH #38 (CUT-IN; DROP MH)  
N 139533.381  
E 2076510.385  
RIM 11.35  
I.E. IN 3.95  
I.E. OUT 0.25+/-  
(FIELD VERIFY EX. PIPE INVERT  
ELEVATION PRIOR TO CONSTRUCTION)

MH #39  
N 139796.200  
E 2076795.9832  
RIM 10.05  
I.E. IN 5.37  
I.E. OUT 5.27



**Parcel**  
R511 007 000 050A 0000

A future sewer line.  
The easement extends 10' on  
either side of the line.

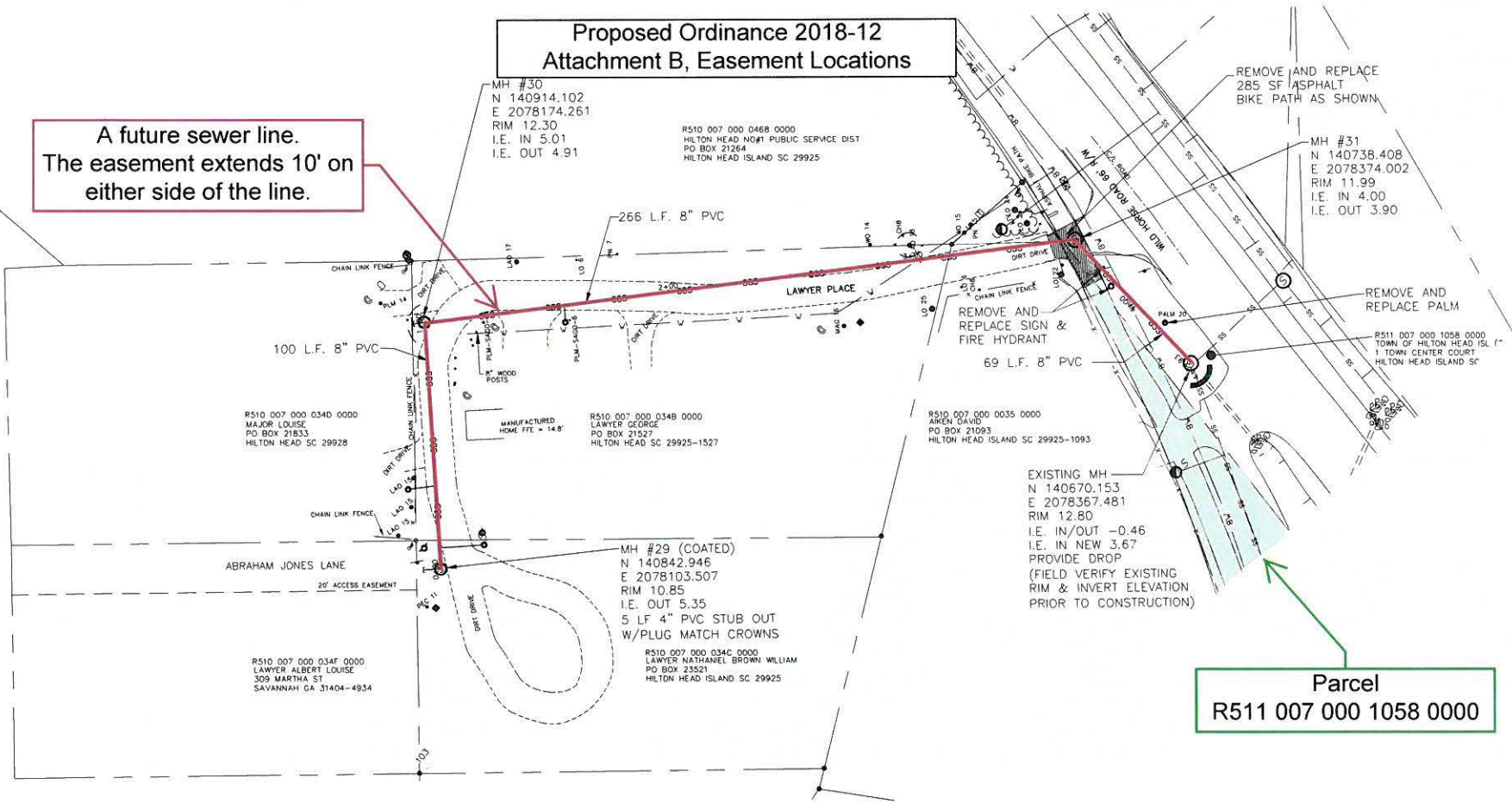
DRIVEWAY OFF HWY 278

SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=4'



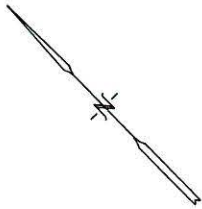
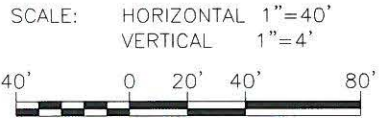
**Proposed Ordinance 2018-12  
Attachment B, Easement Locations**

A future sewer line.  
The easement extends 10' on  
either side of the line.

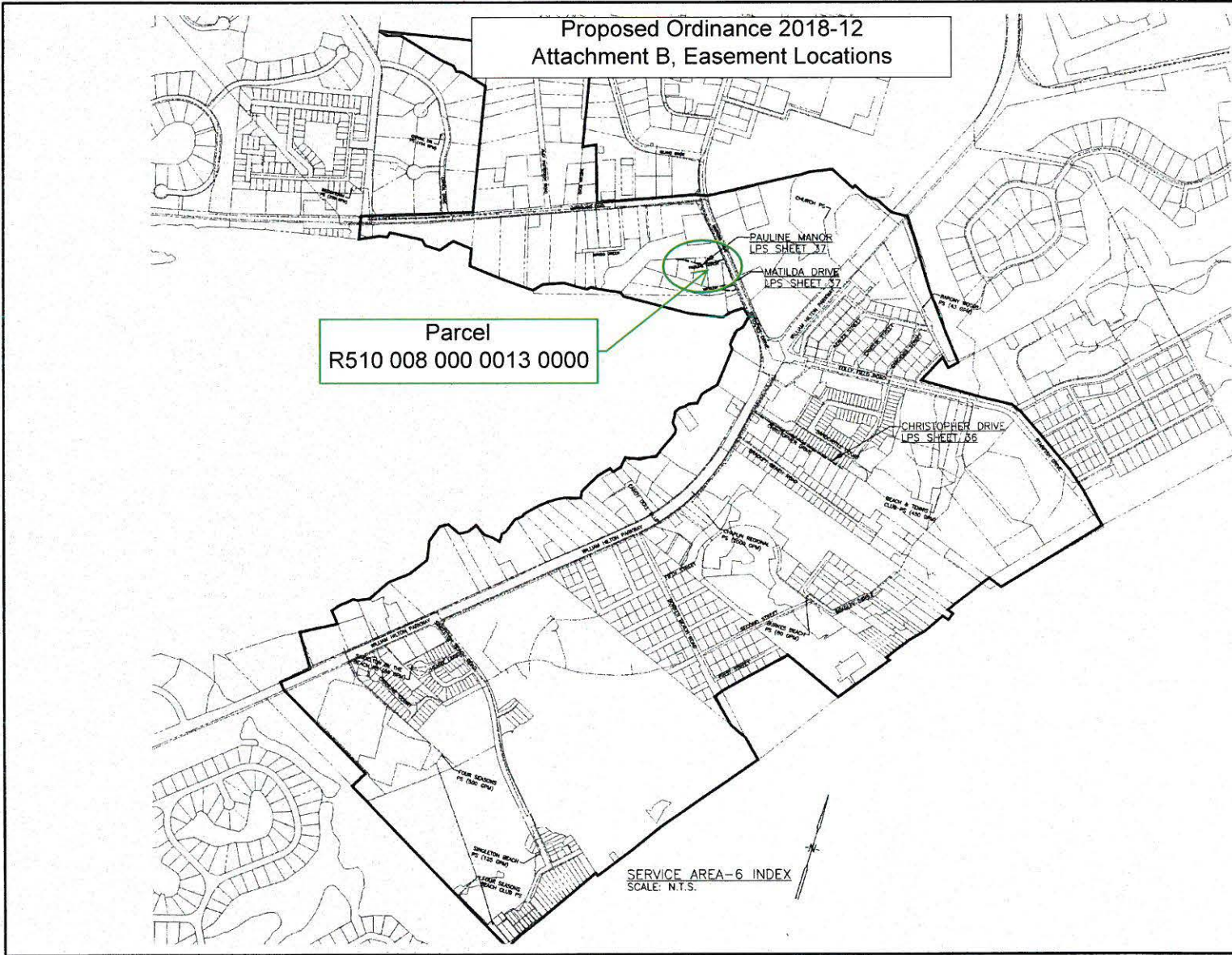


**Parcel  
R511 007 000 1058 000**

**LAWYER PLACE**







Proposed Ordinance 2018-12  
Attachment B, Easement Locations

Parcel  
R510 008 000 0013 0000

SERVICE AREA-6 INDEX  
SCALE: N.T.S.



AREA - 6

HILTON HEAD PUBLIC SERVICE DISTRICT  
MASTER SEWER PLAN YEARS 3-5  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE:	MARCH 2018
DRAWN:	P.B.W.
CHECKED:	C.A.W.
DESIGNED:	P.B.W.
SHEET NO.	35

**Proposed Ordinance 2018-12  
Attachment B, Easement Locations**

**Parcel  
R510 008 000 0013 0000**

LPS JUNCTION CLEANOUT/FLUSHING CONNECTION.  
CONNECT TO EXISTING 2" LPS. FIELD DETERMINE  
LOCATION AND ELEVATION OF EXISTING LPS.

R510 008 000 0013 0000  
TOWN OF HILTON HEAD ISLAND SOUTH CAR  
1 TOWN CENTER CT.  
HILTON HEAD ISLAND SC 29926

LPS FM END  
FLUSHING CONNECTION  
N 134995.4871  
E 2092023.9913

EDGE OF MARSH

25' L.F. TREE PROTECTION

R510 008 000 0014 0000  
HOLMES PAULINE BROWN (LIFE ESTATE)  
11 PAULINE MANOR  
HILTON HEAD ISLAND SC 29926

438 L.F. 2" LPS

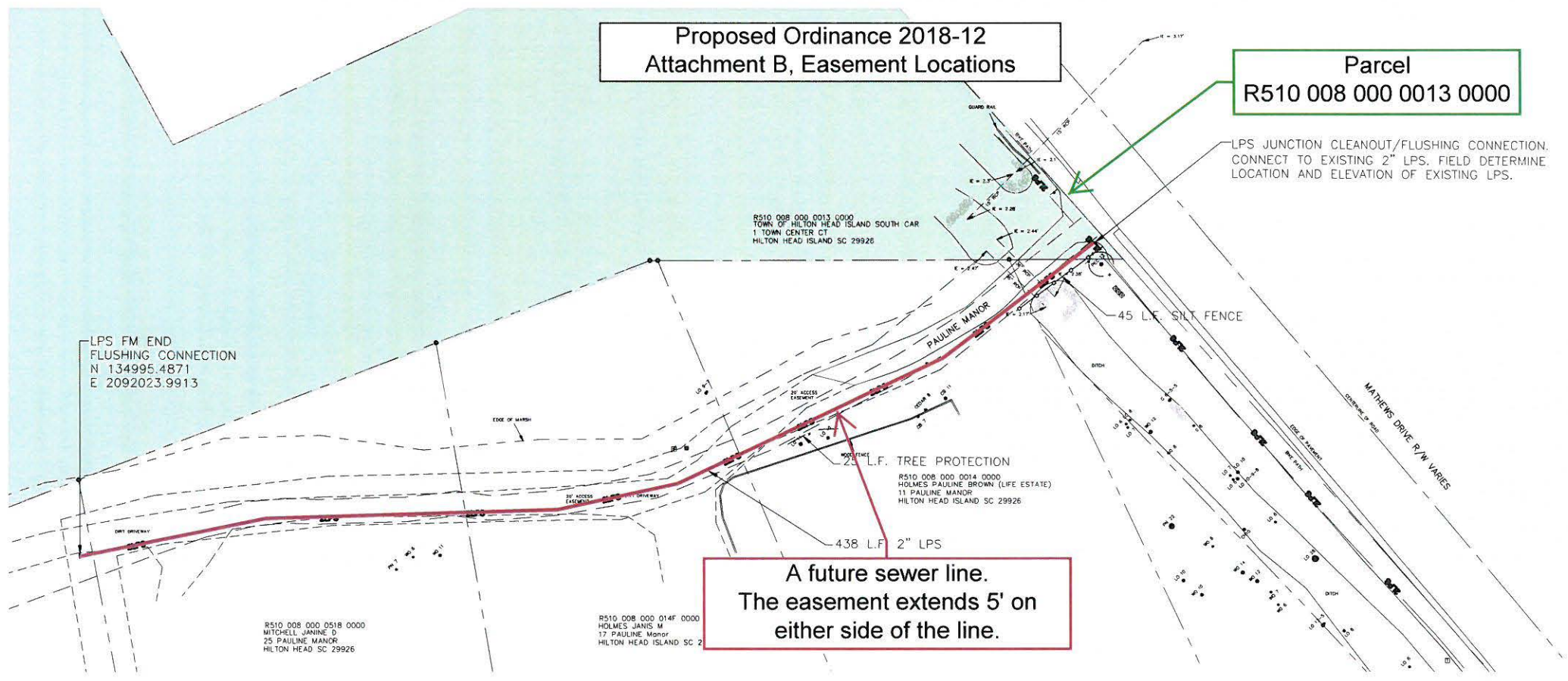
**A future sewer line.  
The easement extends 5' on  
either side of the line.**

R510 008 000 0518 0000  
MITCHELL JANINE D  
25 PAULINE MANOR  
HILTON HEAD SC 29926

R510 008 000 014F 0000  
HOLMES JANIS M  
17 PAULINE Manor  
HILTON HEAD ISLAND SC 2

45 L.F. SILT FENCE

MATHEWS DRIVE R/W VARIES





# TOWN OF HILTON HEAD ISLAND

## *Public Projects and Facilities Management Department*

**TO:** Stephen G. Riley, ICMA-CM, Town Manager  
**VIA:** Scott Liggett, PE, Director of PP&F/Chief Engineer  
**FROM:** Jeff Buckalew, PE, Town Engineer  
**CC:** Teri Lewis, LMO Official  
Gregg Alford, Town Attorney  
James Cook, Engineering Project Manager  
**DATE:** July 23, 2018  
**SUBJECT:** Mitchellville Lane and Pine Field Road rights of way acquisition

---

### **Recommendation:**

Pursuant to policy, and as endorsed by the Public Facilities Committee at their July 23, 2018 meeting, it is recommended that Town Council direct staff to pursue the acquisition of public road rights of way on the private, unpaved roads, Mitchellville Lane and Pine Field Road as depicted in the attached exhibits. It is further recommended the proposed public right of way widths comply with the standards of the Land Management Ordinance, that rights of way are acquired, as opposed to easements, and in each case a two-lane road with two-way traffic would be accommodated.

### **Summary:**

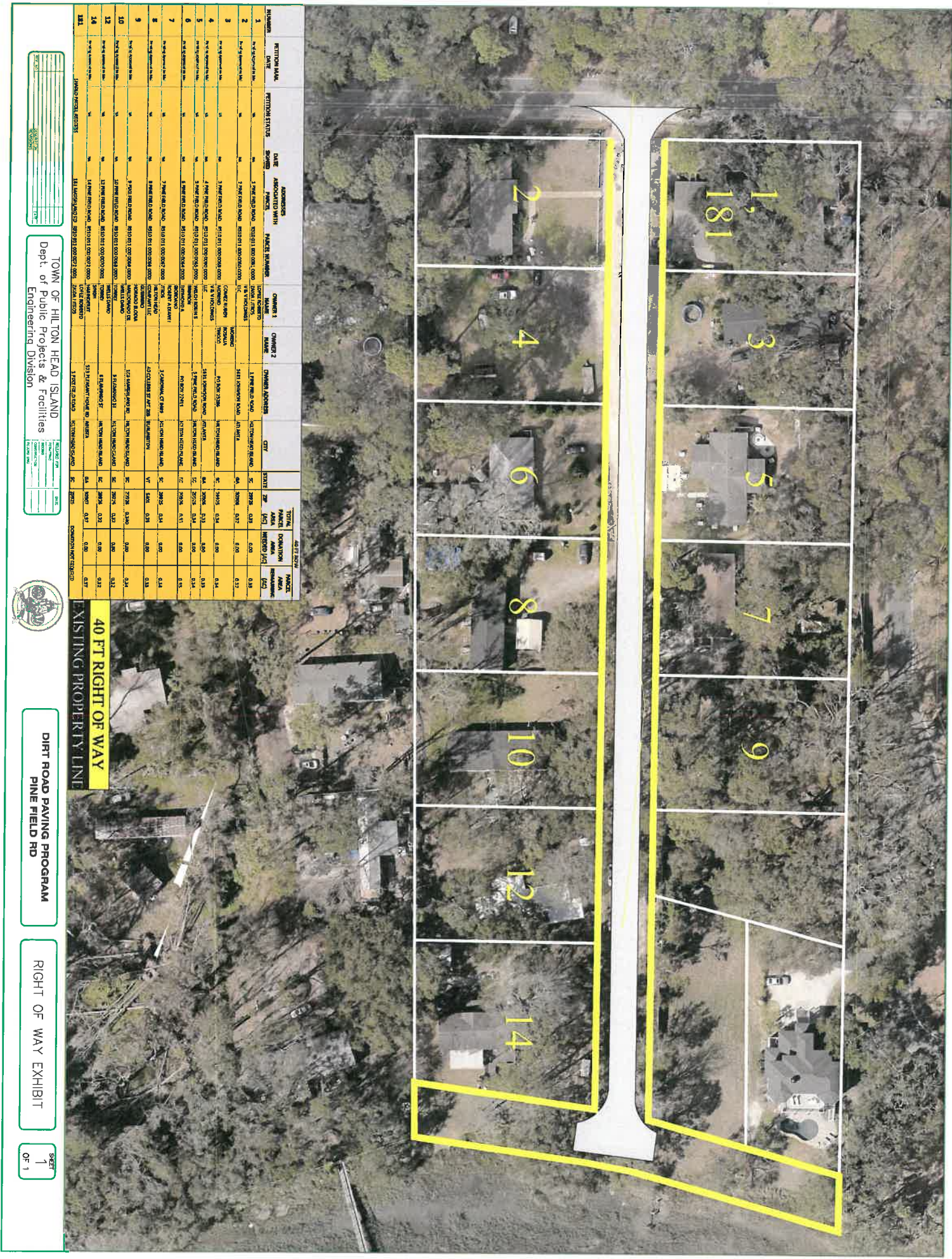
At their July 23, 2018 meeting, the Public Facilities Committee approved a motion to endorse the proposed road right of way limits associated with Mitchellville Lane and Pine Field Road as depicted in the exhibits, and recommend to Town Council that Town Staff be directed to pursue the donation of land to assemble those public rights of way.

Staff proposes that the road rights of way be established as follows, Mitchellville Lane – 66’ wide, narrowing to 50’ at the end, and Pine Field Road – 40’ wide (See Exhibits). In each case, the proposed right of way width complies with the Land Management Ordinance (LMO) requirements. Vehicle turnarounds compliant with the LMO are also depicted. Right of way donations from two parcels at the end of Mitchellville Lane will be required if the end lots are to be served by a public right of way. If the owners of those parcels are not willing to donate the necessary land, a vehicle turnaround may be proposed on Town land in advance of those properties. Since it appears that sufficiently wide private rights of way already exist, staff expects there to be no loss in future development potential on the adjacent parcels

### **Background**

Mitchellville Lane and Pine Field Road are among the next highest ranked (within the top 4) qualifying private unpaved roads. Each is relatively short, straight and already contained in an already established right of way with limited encroachments. Mitchellville Lane, beyond Fish Haul Road, is privately owned. The privately owned portion of this dead end road is 0.28 miles in length, serves 11 dwellings and significant vacant lands and mostly lies in a 66-foot wide private right of way, although the last approximately 400 feet lies in a 30-foot wide private right of way. Pine Field Road is a 0.12 mile long, dead end road off Marshland Road, serving 12 dwellings and lying in a 40-foot wide (pending verification) private right of way.





NUMBER	PLOT/LOT NAME	PLOT/LOT STATUS	DATE ASSOCIATED WITH	ADDRESS	PAGE NUMBER	OWNER 1 NAME	OWNER 2 NAME	OWNER NUMBER	CITY	STATE	TOTAL PLOT AREA (AC)	DEVELOPMENT AREA (AC)	PERCENTAGE DEVELOPED (%)	PERCENTAGE REMAINING (%)
1	LOT 1	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
2	LOT 2	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
3	LOT 3	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
4	LOT 4	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
5	LOT 5	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
6	LOT 6	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
7	LOT 7	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
8	LOT 8	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
9	LOT 9	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
10	LOT 10	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
11	LOT 11	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
12	LOT 12	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
13	LOT 13	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00
14	LOT 14	RES	1/1/2000	11000 N. ROAD	1000000000	JOHN J. LINDSAY	11000 N. ROAD	1	WYOMING	WY	2.00	0.00	0.00	100.00

**40 FT RIGHT OF WAY**  
 EXISTING PROPERTY LINE

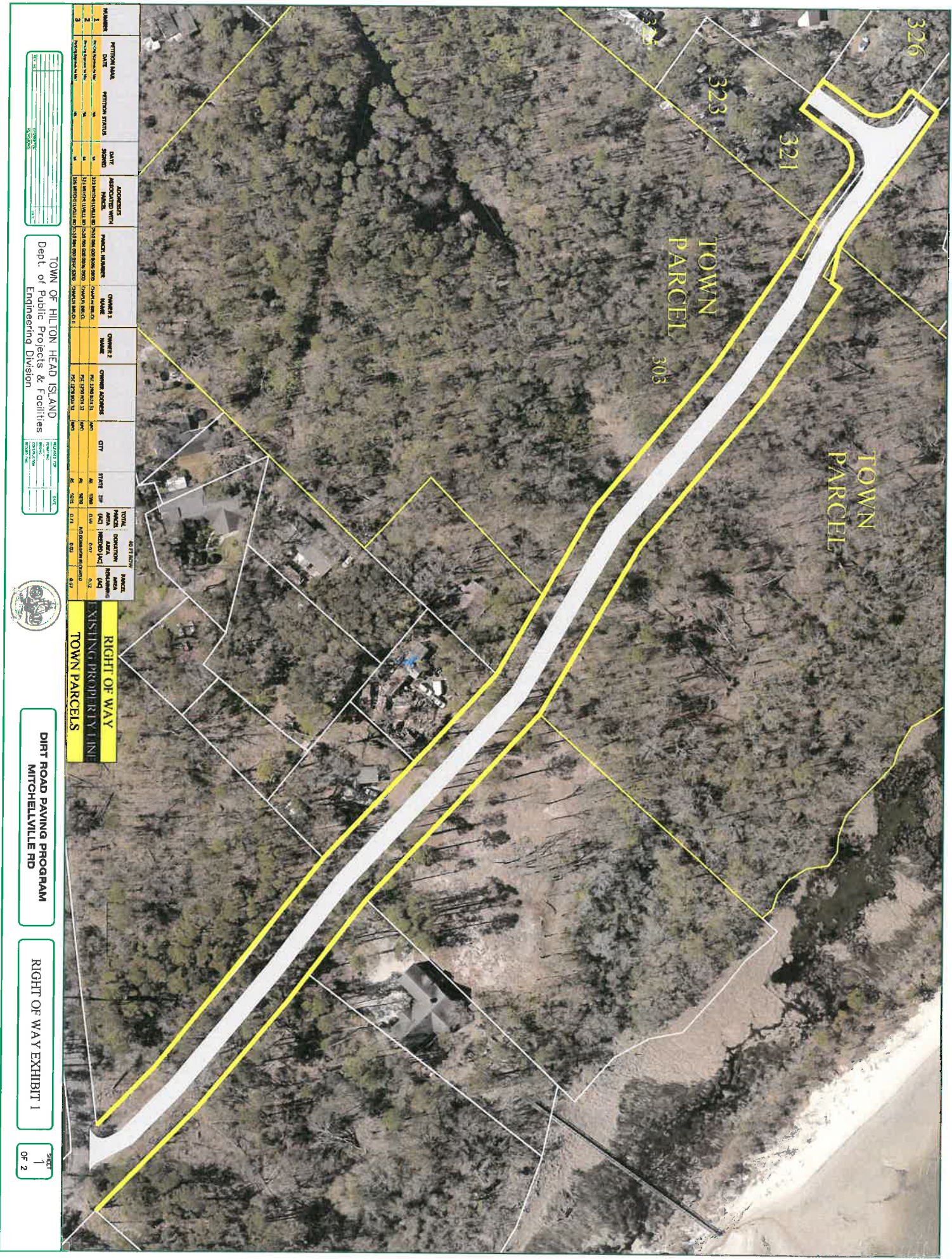
TOWN OF HILL TON HEAD (SLAND)  
 Dept. of Public Projects & Facilities  
 Engineering Division



DIRT ROAD PAVING PROGRAM  
 PINE FIELD RD

RIGHT OF WAY EXHIBIT





NUMBER	PETITION NAME	DATE	DATE SIGNED	ADDRESS ASSOCIATED WITH PARCEL	PARCEL NUMBER	OWNER 1 NAME	OWNER 2 NAME	OWNER ADDRESS	CITY	STREET	APPROX. AREA (SQ. FT.)	TOTAL COMBINATION APPROX. AREA (SQ. FT.)	PARCEL AREA (SQ. FT.)
1	Property Owners	10/15/10	10/15/10	2511 W. HILLTOP DR. #201	001 001 001 001	CHANG, WEN-CHANG		1001 W. HILLTOP DR. #201	WYOMING	W. HILLTOP DR.	10,000	10,000	10,000
2	Property Owners	10/15/10	10/15/10	1001 W. HILLTOP DR. #201	001 001 001 001	CHANG, WEN-CHANG		1001 W. HILLTOP DR. #201	WYOMING	W. HILLTOP DR.	10,000	10,000	10,000
3	Property Owners	10/15/10	10/15/10	1001 W. HILLTOP DR. #201	001 001 001 001	CHANG, WEN-CHANG		1001 W. HILLTOP DR. #201	WYOMING	W. HILLTOP DR.	10,000	10,000	10,000

RIGHT OF WAY	EXISTING PROPERTY LINE	TOWN PARCELS

TOWN OF HILTON HEAD ISLAND  
 Dept. of Public Projects & Facilities  
 Engineering Division



DIRT ROAD PAVING PROGRAM  
 MITCHELLVILLE RD

RIGHT OF WAY EXHIBIT 1

SHEET 1 OF 2





NO.	DATE	DESCRIPTION

TOWN OF HILTON HEAD ISLAND  
 Dept. of Public Projects & Facilities  
 Engineering Division

DATE	BY	DESCRIPTION



**RIGHT OF WAY**  
**EXISTING PROPERTY LINE**  
**TOWN PARCELS**

**DIRT ROAD PAVING PROGRAM**  
**MITCHELLVILLE RD**

**RIGHT OF WAY EXHIBIT 1**

SHEET  
**2**  
 OF 2





# TOWN OF HILTON HEAD ISLAND

## *Community Development Department*

**TO:** Stephen G. Riley, ICMA~CM, *Town Manager*  
**VIA:** Shawn Colin, AICP, *Deputy Director of Community Development*  
**FROM:** Teri B. Lewis, AICP, *LMO Official*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**DATE:** August 2, 2018  
**SUBJECT:** Curb Cut at 407 William Hilton Parkway

---

### **Request:**

Walter Nester, on behalf of the property owner, requests written permission from the Town for a curb cut through the buffer onto William Hilton Parkway as required in Article III, Paragraph 6, Subparagraph a of the Covenants, Easements, Conditions and Restrictions for Block A, Phase I, Northridge Park.

### **Summary:**

The applicant, on behalf of the owner of 407 William Hilton Parkway, submitted a Development Plan Review (DPR) application on December 19, 2016 with the intent of constructing a Dollar General store. The application contains a question that asks if there are any recorded covenants and/or restrictions that are contrary to, conflict with, or prohibit the proposed request. The applicant selected 'No' in answer to this question (see Attachment A). During the DPR process, the applicant requested and was granted a waiver to permit a curb cut onto William Hilton Parkway. The Town's Traffic and Transportation Engineer and the SCDOT both supported the curb cut onto William Hilton Parkway with the condition that a right turn deceleration lane be provided. The waiver was required because the subject property did not meet the 500' separation requirement from the nearest existing streets (see Attachment B). Land Management Ordinance (LMO) Section 16-5-105.I.8 provides the LMO Official with the authority to grant a waiver from the separation requirements; however, staff cannot knowingly violate recorded covenants. Staff was not aware at the time that there were covenants and restrictions on the property that require a 50' natural and landscaped buffer along the William Hilton Parkway frontage and that curb cuts are not permitted in this buffer without the written consent of the declarant, in this case Town Council. The DPR was approved on August 18, 2017 and the building permit was issued on April 27, 2018. The project is expected to be complete within thirty days.

### **Background:**

The Town acquired the Northridge Tract in 1992. As part of this acquisition, the Town became holder of covenants, easements, conditions and restrictions for Block A, Phase I, Northridge Park (see Attachment C). These covenants apply to several parcels in Northridge Park as indicated by the associated recorded plat (see Attachment D).

**Subject: Curb Cut at 407 William Hilton Parkway**

---

*Date: August 2, 2018*

*Page 2*

**Attachments:**

- A. DPR Application
- B. Separation Distance Illustration
- C. Declaration of Covenants, Easements, Conditions and Restrictions for Block A, Phase I, Northridge Park
- D. Plat of Block A, Phase I, Northridge Park
- E. Request from Owner of 407 William Hilton Parkway



Town of Hilton Head Island  
Community Development Department  
One Town Center Court  
Hilton Head Island, SC 29928  
Phone: 843-341-4757 Fax: 843-842-8908  
[www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov)

## FOR OFFICIAL USE ONLY

Date Received: \_\_\_\_\_  
Accepted by: \_\_\_\_\_  
Project Mgr: \_\_\_\_\_  
App. #: DPR \_\_\_\_\_  
Fees: \_\_\_\_\_

APPLICATION PACKET FOR  
MAJOR SITE DEVELOPMENT PLAN REVIEW (DPR)

Project Name: Dollar General Store - Hilton Head Project Address: 407 William Hilton Pkwy.  
Parcel Number [PIN]: R 5 1 0 0 0 8 0 0 0 0 2 6 2 0 0 0 0 Project Acreage: 1.5  
Zoning District: LC - Light Commercial Overlay District(s): \_\_\_\_\_

Applicant/Agent Name: Eric Hoover, PE Company: Ward Edwards, Inc.  
Mailing Address: PO Box 381 City: Bluffton State: SC Zip: 29910  
Telephone: 843-837-5250 Fax: \_\_\_\_\_ E-mail: ehoover@wardedwards.com  
Business License # \_\_\_\_\_  
Land Owner Name: JR LEX2 LLC Telephone #: 803-359-9545  
Address: 955 Old Cherokee Rd, Lexington, SC 29072 Email: Alex Ulmer,

alexulmer24@gmail.com

Are there recorded private covenants and/or restrictions that are contrary to, conflict with, or prohibit the proposed request? If so, a copy of the private covenants and/or restrictions must be submitted with this application.  YES  NO

**Fees and Forms:** Please see [www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov) for all application fees and forms. The Town accepts cash or check made Payable to Town of Hilton Head Island. Credit cards are accepted as payment for some items.

**Instructions:** A Staff Project Manager will be assigned to you to assist in processing this application and to be your only Point of Contact throughout the entire project. This Project Manager will also inform you of any boards that require review of the application, and will assist in determining which of the requirements of this application apply to the project. Additional items must be submitted at the end of construction to obtain a Final Inspection for the Certificate of Occupancy or final sign off.

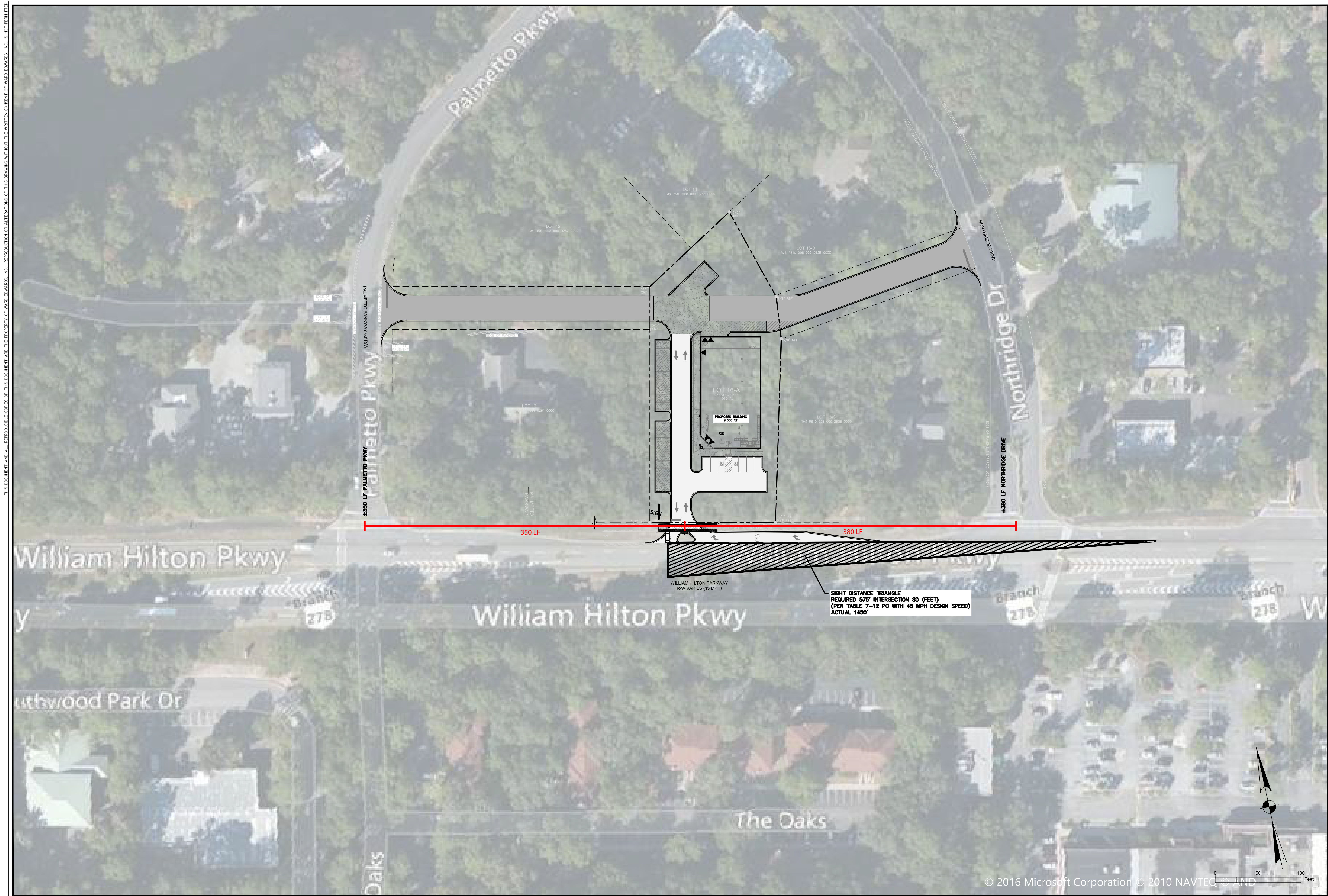
Prior to submittal for a permit, an optional **Pre-Application Meeting** is highly recommended. At this meeting, you may provide very general, conceptual ideas to Town Staff to better assist you in submitting items for site development or building permitting. Your Project Manager can assist you with this process.

Application is hereby made to perform work on the site and accompanying features, and I am authorized to submit this application. To the best of my knowledge, the information on this application and all additional documentation is true, factual, and complete. I hereby agree to abide by all conditions of any approvals granted by the Town of Hilton Head Island. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I understand that failure to abide by this approval, any conditions, and all codes adopted by the Town of Hilton Head Island deems me subject to enforcement action and/or fines.

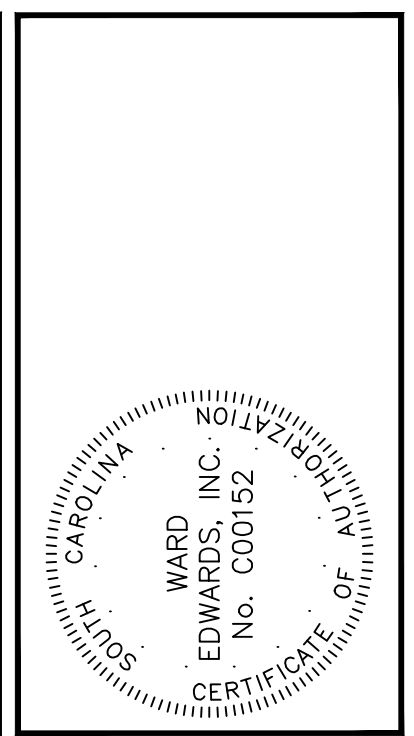
I further understand that in the event of a State of Emergency due to a Disaster, the review and approval times set forth in the Land Management Ordinance may be suspended.

Print Name Eric L. Hoover, PE Agent Signature: 





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NO.	DESCRIPTION	DATE
7		
6		
5		
4		
3		
2		
1		

**Ward Edwards**  
ENGINEERING

P.O. BOX 381, BLUFFTON, SOUTH CAROLINA 29910  
PH (803) 837-5350 / FAX (843) 837-2536  
WWW.WARDEDWARDS.COM

DOLLAR GENERAL  
BEAUFORT COUNTY, SOUTH CAROLINA

GARY STANFIELD & JR LEX 2, LLC  
TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

**SCDOT SIGHT DISTANCE EXHIBIT**

NOT FOR CONSTRUCTION  
 RELEASED FOR CONSTRUCTION

PROJECT #: 160222  
DATE: 09/20/16  
DESIGNED BY: ELH  
CHECKED BY: GAB  
SCALE: 1"=30'

SHEET  
**EX.01**

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

} DECLARATION OF COVENANTS,  
EASEMENTS, CONDITIONS AND  
RESTRICTIONS FOR  
BLOCK A, PHASE I, NORTHRIDGE PARK

930

WHEREAS, THE HILTON HEAD COMPANY, INC., a Delaware corporation (hereinafter referred to as "Company"), is the owner of those certain tracts of land located on Hilton Head Island, Beaufort County, South Carolina, being Parcels 3, 12, 13, 14, 15 and 16, Block A, Phase I of Northridge Park, all as more particularly described on that certain plat of survey entitled "Block A, Northridge Park" dated July 22, 1982, and last revised November 5, 1982, and prepared by Jerry L. Richardson, South Carolina Registered Land Surveyor No. 4784, and recorded in the Office of the Clerk of Court of Beaufort County, South Carolina in Plat Book 31 at Page 16, which plat is incorporated herein by this reference (hereinafter "Block A"); and

WHEREAS, for the purpose of enhancing and protecting the value, attractiveness and desirability of Block A and any property as may by subsequent amendment be added to and subjected to this Declaration, the Company hereby declares that said property and each part thereof shall be held, sold, devised and conveyed subject to the following easements, covenants, conditions and restrictions which shall constitute covenants running with the land and shall be binding on all parties having any right, title, or interest in said property or any part thereof, the heirs, executors, administrators, successors and assigns and shall inure to the benefit of each owner thereof.

JONES &  
MCKEITHEN, P. A.  
145 OFFICE PARK ROAD  
P. O. DRAWER 6067  
HILTON HEAD ISLAND,  
SC 29928

ARTICLE I

931

DEFINITIONS

The following words and terms when used in this Declaration shall have the following meaning:

1. "Property" or "Properties" shall mean and refer to Block A and each lot or subdivision therein and shall refer to such additional property as may hereafter be annexed to this Declaration as provided in Article II hereof.

2. "Parcel" shall mean and refer to each of the separately designated tracts for development within the Property; the same being Parcels 3, 12, 13, 14, 15 and 16 of Block A as shown on Exhibit "A", together with each and every separate tract which may hereafter be designated by the Company for development within the Property.

3. "Owner" shall mean and refer to the title holder as shown on the records in the Office of the Clerk of Court for Beaufort County, South Carolina, whether it be one or more persons, firms, associations, corporations or other legal entities, of fee simple title to any Parcel or portion of a Parcel whether improved or unimproved. Owner shall not include those holding title merely as security for performance of an obligation. In the event that there is recorded in the Office of the Clerk of Court for Beaufort County, South Carolina a long-term contract of sale covering any Parcel or portion thereof, the Owner of such shall be the purchaser under said contract for so long as the contract remains in force and effect and not the fee simple title holder. A long-term contract of sale shall be one where the purchaser is required to make payments for the property for a period extending beyond nine (9) months from the date of the contract and where the purchaser does not receive



title to the property until such payments are made although the purchaser is given use of said property.

4. "Company" shall mean and refer to The Hilton Head Company, Inc., a Delaware corporation, its successors and assigns.

#### ARTICLE II

##### ANNEXATION OF ADDITIONAL PROPERTY

The Company shall have the unilateral right, privilege, and option from time to time, at any time to subject to the provisions of this Declaration all or any portion of the real property described in EXHIBIT "B" attached hereto and by reference made a part hereof by filing in the Beaufort County, South Carolina Records, an amendment annexing such property. Such amendment to this Declaration shall not require the vote of Members. Any such annexation shall be effective upon the filing for record of such amendment, unless otherwise provided therein. The Company shall have the unilateral right to transfer to any other person the said right, privilege, and option to annex additional property which is herein reserved to the Company.

#### ARTICLE III

##### USE RESTRICTIONS

1. No residential dwelling or any structure intended for residential or semi-residential use shall be erected, altered or placed on any Parcel. For the purposes of this provision, "residential" or "semi-residential" shall mean and refer to use of any portion of any structure as a dwelling place, home, or place of abode or for temporary or permanent living accommodations.

2. There shall be no use or activity on Parcel 3 and Parcel 13 of Block A, which use or activity shall constitute the providing of



financial services to the general public. For purposes of this covenant, the term "financial services" shall mean and refer to the following activities or services: (i) financial trust services; (ii) insurance brokerage; (iii) banking safe deposit; (iv) banking; (v) checking; (vi) savings; (vii) mortgage banking; (viii) securities brokerage; (ix) real estate brokerage; (x) travel agency; (xi) mortgage lending; and (xii) consumer lending. This covenant shall be a burden on Parcel 3 and Parcel 13 and shall be for the benefit of Parcel 16 only. This covenant shall run with the land and except as set forth herein shall run for a period of ten (10) years from and including the day and year first above written. This covenant shall terminate and become void upon: (a) the expiration of said 10-year period; or (b) upon the recording of the written assent of the then owner of Parcel 16, which assent may also be utilized to effect a partial termination of any portion of this covenant; or (c) at such time as the primary use of Parcel 16 is other than that of a financial services business, whichever event shall first occur.

3. In order to promote good water conservation practices and to lessen the burden of treating and disposing of sewage effluent, so as to benefit the Property and the surrounding areas, all water faucets, showerheads and nozzles located within any structure shall provide for a maximum flowage rate not to exceed two and one-half (2½) gallons of water per minute, and all toilets and commodes located within the Property shall have maximum flowage rates not to exceed three and one-half (3½) gallons of water per flush.

If within any structure or structures approved for construction by the Architectural Standard Committee ("Architectural Standard Committee"

shall mean and refer to said term as defined in the Declaration of Covenants, Conditions and Restrictions for Northridge Park recorded in Deed Book 357 at Page 897 in the Office of the Clerk of Court for Beaufort County, South Carolina, hereinafter the "Northridge Park Declaration") it can be demonstrated that because of the use planned for that structure it will be practically impossible to limit all water faucets and nozzles located within such structure or structures to the maximum flowage rates hereinabove, then, in that event, maximum flowage rates for certain nozzles and faucets may exceed those provided for herein, but only with the written consent of the Company and only where required due to the practical impossibility of limiting such faucets and nozzles to the maximum flowage set forth herein.

4. Parcel Coverage. No buildings or other structures shall be approved for construction on any Parcel (excluding parking and driveways) which, taken together with all other structures approved for construction or constructed upon said Parcel, would exceed forty (40%) percent of that Parcel's gross acreage.

5. Building Height Restrictions. No building or other structure which has a height exceeding three (3) habitable stories plus one story of parking under the habitable stories, and in no event more than sixty (60') feet above the elevation of the finished grade of such structure, shall be constructed on any Parcel.

6. Fifty Foot Natural and Landscaped Buffers.

(a) That area lying within fifty (50') feet of the north-westerly property line of each Parcel which is located adjacent to U.S. Highway 278 is hereby reserved for use as a buffer and, except as otherwise set forth herein or with the written consent of the Company,

no improvements of any nature shall be permitted thereon except decorative landscaping and cultivation of trees and natural foliage, nor shall any live foliage be cleared from said buffer. Except with the written consent of the Company, no structures of any kind shall be erected or placed within the aforesaid buffer, and no roads, pathways or curb cuts shall be permitted therein. The aforesaid buffer is more particularly shown and designated on the attached EXHIBIT "A" as "50' Natural and Landscaped Buffer".

(b) All those areas within any Parcel lying within twenty (20') feet of the property lines located adjacent to any road rights-of-way or street within or outside the Property are hereby reserved for use as a buffer and, except as otherwise set forth herein or with the written consent of the Company, no improvements of any nature shall be permitted thereon, except decorative landscaping and cultivation of trees and natural foliage, nor shall any live foliage be cleared from said buffer. Except with the written consent of the Company, no structures of any kind shall be erected or placed within the aforesaid buffer, and no roads, pathways or curb cuts shall be permitted therein.

(c) Those portions of each Parcel which are designated as buffer zones in Article III, Paragraphs 6(a) and 6(b) herein shall be "buffer zones" for the purposes said term is used in the Northridge Park Declaration.

7. Industrial Use Restrictions. Industrial Use of any portion of the Property is prohibited. "Industrial Use" shall mean and refer to the manufacturing, extraction and warehousing of goods or the shipping or distribution of goods for sale or resale at locations not within the

Properties. Nothing contained herein shall in any way be construed, however, to subject the land shown on EXHIBIT "B" to this Declaration until annexed by the Company as provided in Article II herein.

#### ARTICLE IV

##### GENERAL PROVISIONS

1. Enforcement. The Company, the Association, or any Owner shall have the right to enforce, by any proceedings at law or in equity, all of the restrictions, conditions, covenants, easements, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure of the Company, the Association, or any Owner to enforce any provision herein contained shall in no event be deemed as a waiver of right to do so thereafter. In pursuit of the right reserved herein and all other rights and reservations held by the Company and the Association, the Company hereby reserves unto itself, its employees and agents, the right to enter upon any Parcel for the purpose of inspecting the same or any improvements thereon.

2. Severability. Invalidation of any covenants or restrictions or any term, phrase or clause of this Declaration by the adjudication of any court or tribunal shall in no way effect the other provisions which are hereby declared to be severable and which shall remain in full force and effect.

3. Duration. The Covenants and Restrictions of this Declaration shall run with and bind the Property, and each portion thereof, and each Owner, occupant and other person or entity having any interest therein. This Declaration shall inure to the benefit of and be enforceable by the Company, the Association, and any Owner for a period of twenty (20) years (except for the ten [10] year period set forth in Paragraph 2 of

Article III) from the date hereof and, thereafter, shall continue automatically in effect for additional periods of twenty (20) years, forever, unless otherwise agreed to in writing by both: (a) the then Owners of at least seventy-five (75%) percent of the total number of Parcels in Block A; and (b) at least seventy-five (75%) percent of the total votes eligible to be cast by all Members of the Association as provided in Article IX, Paragraph 3 of the Northridge Park Declaration.

4. Assignment. The Company shall have the right to assign to any one or more persons, firms, corporations, partnerships or associations any and all rights, powers, titles, easements and estates reserved or given to the Company in this Declaration or in the Northridge Park Declaration.

#### ARTICLE V

#### AMENDMENT

This Declaration (except for Article IV, Paragraph 3 herein) may be amended by the written consent and the affirmative vote, respectively, of both: (1) the then Owners of at least two-thirds (2/3) of the total number of Parcels in Block A; and (2) at least two-thirds (2/3) of the votes eligible to be cast by all Members of the Association as more particularly described in Article IX, Paragraph 5 of the Northridge Park Declaration; provided, however, that: (a) while the Company is the Owner of any portion of the Property, no amendment shall be effective unless and until such amendment is approved in writing by the Company; (b) until the Company conveys all of the Property, the Company retains the right to amend this Declaration to the extent that it affects any portion of the Property which is still owned by the Company in any way that the Company may, in its sole discretion, deem desirable; and (c)

the provisions of Article III, Paragraph 2 of this Declaration may not be amended without the written consent of the then Owner of Parcel 16 and the then Owner of Parcel 3 (if such amendment relates to the use of Parcel 3) and the then Owner of Parcel 13 (if such amendment relates to the use of Parcel 13). For the purposes of this Declaration the terms "Members" and "Association" shall mean and refer to the definitions of Members and Association set forth in Article I of the Northridge Park Declaration, and more particularly, the terms "Members" and "Association" shall be deemed to include all Members of the Association and the Association for the Property as "Property" or "Properties" is defined in Article I, Paragraph 2 of the Northridge Park Declaration and not just those Members who are Owners of properties located in Block A, Phase I of Northridge Park.

WITNESS its hand and seal this the 15<sup>th</sup> day of December 1982.

WITNESSES:

THE HILTON HEAD COMPANY, INC.  
A Delaware Corporation

Barbara Bush

By: [Signature]

John P. Quachy Jr.

Attest: [Signature]





STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

}  
} PROBATE  
}

939

PERSONALLY appeared before me Barbara Bush who states on oath that She saw the within named THE HILTON HEAD COMPANY, INC., by David W. Ayers its Vice President, as its act and deed, sign, seal and deliver the within Declaration of Covenants, Easements, Conditions and Restrictions for Block A, Phase I, Northridge Park, and C. Daniel Baker its ASST. Secretary attest the same, and that She with John P. Qualley, JR. witnessed the execution thereof.

Barbara Bush

SWORN TO before me this 15<sup>th</sup>  
day of December, 19 82

John P. Qualley, Jr. (L.S.)  
Notary Public for South Carolina  
My Commission Expires 8/8/87

## EXHIBIT "A"

All those certain pieces, parcels or tracts of land lying and being on Hilton Head Island, Beaufort County, South Carolina, and being designated as "Lot 3, Lot 12, Lot 13, Lot 14, Lot 15 and Lot 16" of Block A, Phase I, Northridge Park as more particularly described on that certain plat of survey entitled "Phase I, Northridge Park" prepared by Coastal Surveying Co., Inc., Jerry L. Richardson, South Carolina Registered Land Surveyor No. 4784, dated July 22, 1982, and last revised November 5, 1982, and being recorded in Plat Book 31 at Page 16 in the Office of the Clerk of Court for Beaufort County, South Carolina.



FILED AT	BEAUFORT COUNTY S. C.	RECORDED IN BOOK PAGE
<i>4:05</i> O'CLOCK	DEC 17 1982	<i>359</i> PAGE
<i>P. M</i>		<i>930</i>
<i>Nancy H. Lowry, Dep.</i> CLERK OF COURT OF COMMON PLEAS EXHIBIT "B"		

*Sligher*

941

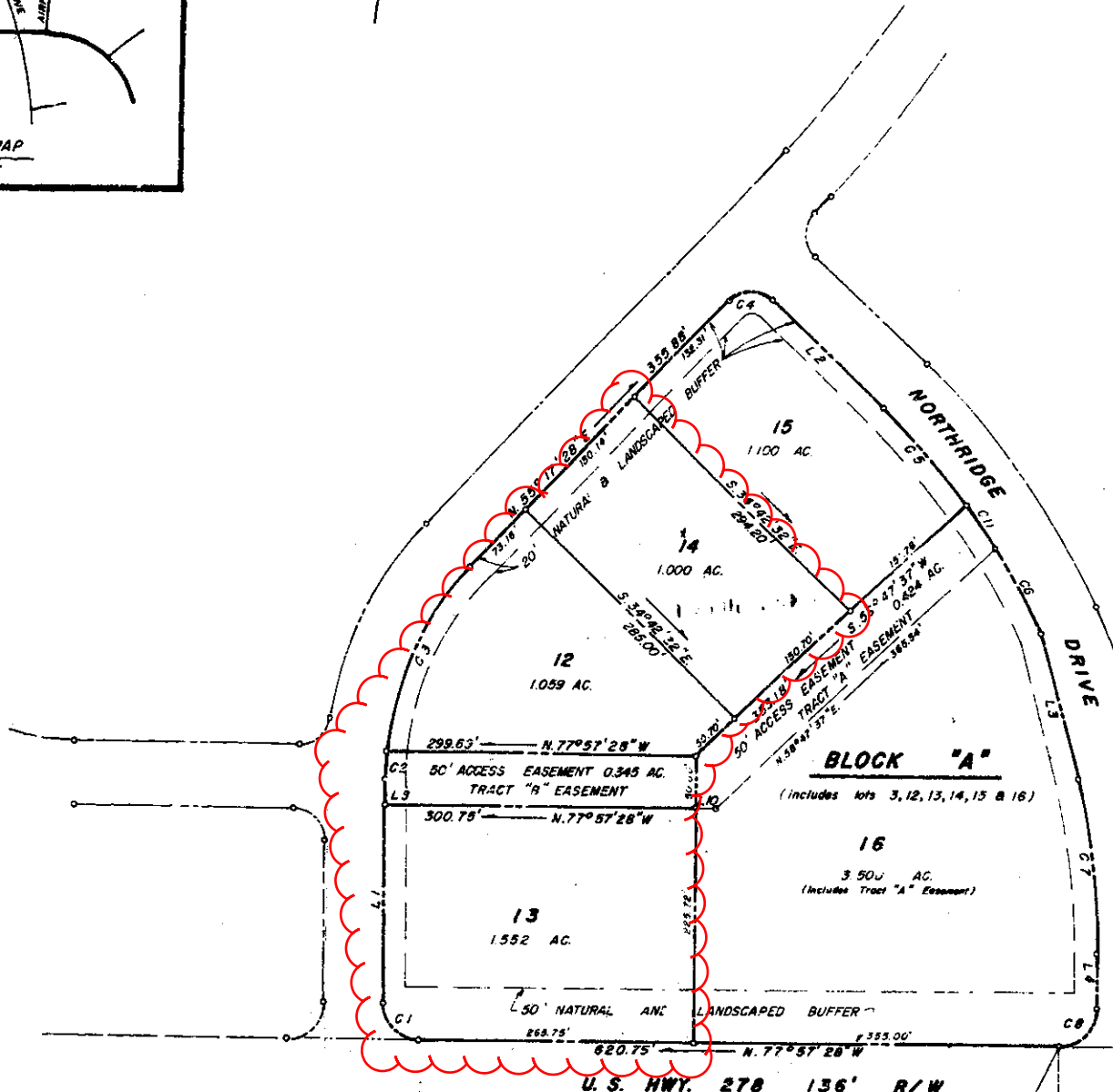
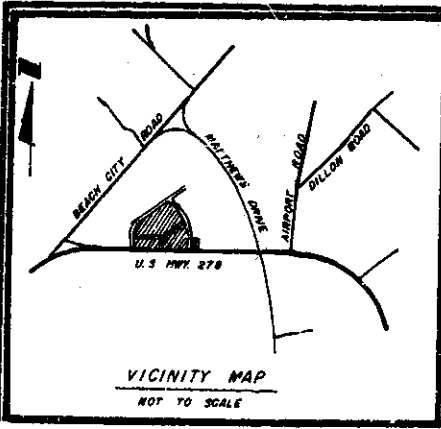
ALL that certain piece, parcel or tract of land containing 132.725 acres, more or less, located on Hilton Head Island, Beaufort County, South Carolina, and designated as "A 132.725 Acre Tract Located on Hilton Head Island" as shown on that certain plat of survey dated March 25, 1981 and prepared by Coastal Surveying Co., Inc., Jerry L. Richardson, South Carolina Registered Land Surveyor No. 4784 and being more particularly described as follows:

BEGINNING at a concrete monument located at South Carolina Coordinate System, South Zone Coordinate N139,096.251 E2,091,833.521 and located on the northerly right-of-way of U.S. Highway 278 and located N 40°14' 03 seconds E at a distance of 28,636.657 feet from the POINT OF COMMENCEMENT (the POINT OF COMMENCEMENT being a concrete monument located in the center of Sea Pines Circle and being South Carolina Coordinate System, South Zone Coordinate N117,234.664 E2,073,336.788) being the POINT OF BEGINNING and running thence N 77°57'28" W a distance of 3,439.15 feet to a point; thence along an arc having a delta of 05°23'08", a radius of 1,537.89 feet for a length of 144.55 feet, said arc having a chord distance of 144.50 feet and and chord bearing of N 80°39'02" W; thence N 77°57'28" W a distance of 485.96 feet to a point; thence N 12°21'35" W a distance of 41.31 feet to a point; thence N 53°14'17" E a distance of 2,680.29 feet to a point; thence along an arc having a delta of 98° 28'43", a radius of 708.57 feet, for a length of 1,217.88 feet, said arc having a chord distance of 1,073.41 feet and a chord bearing of S 77°31'23" E; thence S 28°17'00" E a distance of 991.69 feet; thence along an arc having a delta of 25°35'32", a radius of 3,144.04 feet, for a length of 1,404.35 feet, said arc having a chord distance of 1,392.70 feet and a chord bearing of S 15°29'14" E; thence S 49°54'12" W a distance of 61.38 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

ALL those certain pieces, parcels or tracts of land lying and being on Hilton Head Island, Beaufort County, South Carolina, and being designated as "Lot 3, Lot 12, Lot 13, Lot 14, Lot 15 and Lot 16" of Block A, Phase I, Northridge Park as more particularly described on that certain plat of survey entitled "Phase I, Northridge Park" prepared by Coastal Surveying Co., Inc., Jerry L. Richardson, South Carolina Registered Land Surveyor No. 4784, dated July 22, 1982, and last revised November 5, 1982, and being recorded in Plat Book 31 at Page 16 in the Office of the Clerk of Court for Beaufort County, South Carolina.

31/16



NOTES:

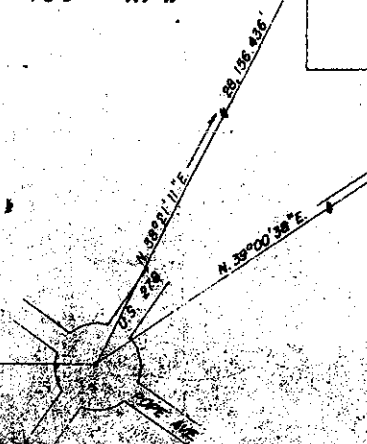
1. I CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.
2. I CERTIFY THAT ANGLES, BEARINGS AND MEASUREMENTS OF COURSE AND DISTANCES AND MONUMENT LOCATIONS ARE CORRECT AS SHOWN AND HAS BEEN PROVED BY LAND SURVEY.
3. I HEREBY CERTIFY THAT THE RATIO OF PRECISION IS 1/10,000 AS SHOWN HEREON AND THE AREA WAS DETERMINED BY THE D.M.D. METHOD OF AREA CALCULATION.
4. ALL COORDINATES BASED ON SOUTH CAROLINA COORDINATE SYSTEM, SOUTH ZONE.
5. THIS PROPERTY LIES IN A FEDERAL FLOOD ZONE.

RYAN L. RICHARDSON

S.C. REG. L.S. NO. 4724

POINT OF COMMENCING

CONTROL MONUMENT  
SEA PINES CHURCH  
N 71° 23' 54" E  
2.2' 0.00' 0.00' 0.00'



The Town of Hilton Head Island  
Beaufort County, South Carolina

**Reference Number:** DPR-2177-2016

**Name of Development:** Dollar General Store

**Property/Location:** 407 William Hilton Parkway, Hilton Head Island, SC 29926

**Applicant/Agent:** Alex Ulmer, JR LEX2, LLC  
955 Old Cherokee Road  
Lexington, SC 29072  
Email: [alexulmer24@gmail.com](mailto:alexulmer24@gmail.com)

**Date:** August 2, 2018

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**Applicant Statement:**

This statement and request is submitted by and on behalf of JR LEX2, LLC to the Town of Hilton Head Island (the “**Town**”) Town Council in response to correspondence dated July 20, 2018 from Ms. Teri Lewis, the Town LMO Official, enclosed herewith as Exhibit 1 (the “**Stop Work Notice**”).

As a preliminary matter, to the extent that: (a) the Declaration of Covenants, Easements, Conditions and Restrictions for Block A, Phase I, Northridge Park recorded in the ROD in Book 359 at Page 930 (the “**Declaration**”) (see Exhibit 2) applies to the property which is the subject of the above-referenced DPR (the “**Property**”); and (b) the Town was assigned the rights of the Hilton Head Company reserved (the “**Declarant Rights**”) set forth in the Declaration, we assert that the Town has already approved a waiver of the buffer requirement described in Section 6 of the Declaration.

Further, assuming the Town is Declarant under the Declaration its right to require the buffer fronting US 278 has been waived by failing to require strict conformance in the past.

**Request:**

Notwithstanding the statements above and without prejudice to the Applicant’s position in reliance on its permits, the Applicant hereby submits this statement requesting a waiver to the buffer requirements set forth in Section 6 of the Declaration.

**Buffer:**

The Declaration provides in Section 6 thereof for a fifty foot buffer along the northwest property line of each parcel adjacent to US 278 which states, “except..., or with the written consent of the [Declarant], no improvements shall be permitted thereon... . Except with the written consent of the [Declarant], no structures of any kind shall be erected or placed within the aforesaid buffer, and no roads, pathways or curb cuts shall be permitted therein.”(emphasis added). A waiver is therefore appropriate. This Section 6 clearly contemplates the approval of structures, roads,

pathways and curb cuts since the buffer restriction was *twice* qualified with the right of the Declarant to approve the same.

**Waiver:**

We are unaware of any process or procedure whereby the Town is asked to act in its capacity as the Declarant. There are numerous restrictions in the Declaration including water use restriction in Section 3, the parcel coverage condition in Section 4, and building height restriction in Section 5. What is the process to obtain Town action with respect to its rights as Declarant? We suggest there are none and the Town has not so acted and that is justifiably so because the Town has its own permitting process which is likely more structured and stringent and up-to-date than those rights as Declarant. Given that those rights and controls are exercised together or as one in the same – we believe that the Town has already issued its written approval for the exceptions to the buffer by issuing the permits associated with the DPR. Further, we believe that the Applicant has the right to assume that the staff had the approval to approve and issue the permits – and if waiver from the buffer requirements was needed that staff, in approving and issuing the permits had the authority to waive the requirements of the Declaration.

Further, inspection of other lots subject to the Declaration fronting US 278 reveals existing monument signs and lighting. Further, the Town has constructed a bike path through the buffer. We are uncertain if any of these structures or the path were approved by the Town (other than through the applicable permitting process under applicable Town ordinances). That is, were these structures approved by the Town acting specifically in its capacity as the Declarant? We do not believe that there was such specific separate approval but instead the Town followed its own development standards. Accordingly, the legal argument exists that the Town has waived its Declarant rights relative to the buffer.

**Check The Box Requirement:**

With respect to the required disclosure in the application, as noted in the staff's pre-application plans correction report, Section 6-29-1145 of the South Carolina Code of Laws and Section 16-1-106.B of the Town's Land Management Ordinance ("LMO"), both attached as Exhibit 3 and Exhibit 4, required an applicant to state *whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.* Unfortunately, "permitted activity" is not defined in State law or the LMO. We contend that the statement "permitted activity" would refer to the use of the property generally and not some other more specific matter – i.e. the size and existence of buffers or faucet water flow.

We contend that Section 6-29-1145 is simply not clear. Typically where restrictive covenants exist they are governed or managed by an HOA and or ARB – which has a separate review process. Those do not exist here. Is it reasonable to expect that the applicant (here through an engineer) was aware that restrictive covenants existed which are *contrary to, conflicts with, or prohibits the permitted activity* when the permitted activity reasonably can be stated as the development of the Property for a retail store? We contend that indeed development of a retail store was the permitted activity.

**Harm:**

The impact and harm caused by the Stop Work Notice cannot be understated. The concrete curbing was scheduled to be poured last week. The Applicant is not the end user, the Dollar General Store is. The Applicant has a binding contract to perform and deliver the developed site within a specific time period. That specific time period expires in approximately 30 days and thereafter significant financial penalties are imposed for each day the store is not delivered *as permitted*. The curb cut was a requirement of that agreement and not only the Town but also the SCDOT approved the curb cut prior to the Applicant's agreement with Dollar General.

# TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

David Bennett  
Mayor

Kim W. Likins  
Mayor ProTem

Council Members

David Ames  
Marc A. Grant  
William D. Harkins  
Thomas W. Lennox  
John J. McCann

Stephen G. Riley  
Town Manager

Via certified mail and e-mail to [tcates@svrealty.com](mailto:tcates@svrealty.com)

July 20, 2018

Mr. Tony Cates  
Sales and Development Associate  
Southern Visions Real Estate  
955 Old Cherokee Road  
Lexington, SC 29072

Re: 407 William Hilton Parkway – Dollar General Store [DPR-2177-2016]

Dear Mr. Cates:

As we discussed this afternoon, I became aware this week that there are covenants on the subject property that prohibit a curb cut onto William Hilton Parkway and require a 50' natural and landscaped buffer from William Hilton Parkway (see attached covenants and reference plat). The Town is the holder of the referenced covenants on the Dollar General property.

The site plans for the subject site indicate both a curb cut onto William Hilton Parkway and a 35' buffer along William Hilton Parkway. I acknowledge that Town staff approved the site plan for this site and issued a waiver to allow a curb cut on William Hilton Parkway; however, at the time of those actions staff was unaware of the covenants on the property. As part of the Development Plan Review (DPR) process, an application is required to be submitted. The DPR application requires the applicant to indicate whether or not there are covenants on the property that are contrary to, conflict with, or prohibit the proposed request. As you can see on the attached application, the applicant checked 'No'.

At this time I am advising you that the curb cut onto William Hilton Parkway and the reduced landscaped buffer along William Hilton Parkway are in violation of the covenants and as such, the Town cannot allow permit any site work in these two areas to continue until such time that the issue with the covenants is resolved.

Please contact me at (843) 341-4698 or [teril@hiltonheadislandsc.gov](mailto:teril@hiltonheadislandsc.gov) to discuss this issue in greater detail

Sincerely,



Teri B. Lewis  
LMO Official

cc: DPR-2177-2016  
Gregg Alford, Town Attorney

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

} DECLARATION OF COVENANTS,  
} EASEMENTS, CONDITIONS AND  
} RESTRICTIONS FOR  
BLOCK A, PHASE I, NORTHRIDGE PARK

359 930

WHEREAS, THE HILTON HEAD COMPANY, INC., a Delaware corporation (hereinafter referred to as "Company"), is the owner of those certain tracts of land located on Hilton Head Island, Beaufort County, South Carolina, being Parcels 3, 12, 13, 14, 15 and 16, Block A, Phase I of Northridge Park, all as more particularly described on that certain plat of survey entitled "Block A, Northridge Park" dated July 22, 1982, and last revised November 5, 1982, and prepared by Jerry L. Richardson, South Carolina Registered Land Surveyor No. 4784, and recorded in the Office of the Clerk of Court of Beaufort County, South Carolina in Plat Book 31 at Page 16, which plat is incorporated herein by this reference (hereinafter "Block A"); and

WHEREAS, for the purpose of enhancing and protecting the value, attractiveness and desirability of Block A and any property as may by subsequent amendment be added to and subjected to this Declaration, the Company hereby declares that said property and each part thereof shall be held, sold, devised and conveyed subject to the following easements, covenants, conditions and restrictions which shall constitute covenants running with the land and shall be binding on all parties having any right, title, or interest in said property or any part thereof, the heirs, executors, administrators, successors and assigns and shall inure to the benefit of each owner thereof.

HUGHES &  
MCKEITHEN, P. A.  
ONE OFFICE PARK ROAD  
P. O. DRAWER 6087  
HILTON HEAD ISLAND,  
SC 29928

ARTICLE I

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DEFINITIONS

The following words and terms when used in this Declaration shall have the following meaning:

1. "Property" or "Properties" shall mean and refer to Block A and each lot or subdivision therein and shall refer to such additional property as may hereafter be annexed to this Declaration as provided in Article II hereof.

2. "Parcel" shall mean and refer to each of the separately designated tracts for development within the Property; the same being Parcels 3, 12, 13, 14, 15 and 16 of Block A as shown on Exhibit "A", together with each and every separate tract which may hereafter be designated by the Company for development within the Property.

3. "Owner" shall mean and refer to the title holder as shown on the records in the Office of the Clerk of Court for Beaufort County, South Carolina, whether it be one or more persons, firms, associations, corporations or other legal entities, of fee simple title to any Parcel or portion of a Parcel whether improved or unimproved. Owner shall not include those holding title merely as security for performance of an obligation. In the event that there is recorded in the Office of the Clerk of Court for Beaufort County, South Carolina a long-term contract of sale covering any Parcel or portion thereof, the Owner of such shall be the purchaser under said contract for so long as the contract remains in force and effect and not the fee simple title holder. A long-term contract of sale shall be one where the purchaser is required to make payments for the property for a period extending beyond nine (9) months from the date of the contract and where the purchaser does not receive



title to the property until such payments are made although the purchaser is given use of said property.

4. "Company" shall mean and refer to The Hilton Head Company, Inc., a Delaware corporation, its successors and assigns.

ARTICLE II

ANNEXATION OF ADDITIONAL PROPERTY

The Company shall have the unilateral right, privilege, and option from time to time, at any time to subject to the provisions of this Declaration all or any portion of the real property described in EXHIBIT "B" attached hereto and by reference made a part hereof by filing in the Beaufort County, South Carolina Records, an amendment annexing such property. Such amendment to this Declaration shall not require the vote of Members. Any such annexation shall be effective upon the filing for record of such amendment, unless otherwise provided therein. The Company shall have the unilateral right to transfer to any other person the said right, privilege, and option to annex additional property which is herein reserved to the Company.

ARTICLE III

USE RESTRICTIONS

1. No residential dwelling or any structure intended for residential or semi-residential use shall be erected, altered or placed on any Parcel. For the purposes of this provision, "residential" or "semi-residential" shall mean and refer to use of any portion of any structure as a dwelling place, home, or place of abode or for temporary or permanent living accommodations.

2. There shall be no use or activity on Parcel 3 and Parcel 13 of Block A, which use or activity shall constitute the providing of

financial services to the general public. For purposes of this covenant, the term "financial services" shall mean and refer to the following activities or services: (i) financial trust services; (ii) insurance brokerage; (iii) banking safe deposit; (iv) banking; (v) checking; (vi) savings; (vii) mortgage banking; (viii) securities brokerage; (ix) real estate brokerage; (x) travel agency; (xi) mortgage lending; and (xii) consumer lending. This covenant shall be a burden on Parcel 3 and Parcel 13 and shall be for the benefit of Parcel 16 only. This covenant shall run with the land and except as set forth herein shall run for a period of ten (10) years from and including the day and year first above written. This covenant shall terminate and become void upon: (a) the expiration of said 10-year period; or (b) upon the recording of the written assent of the then owner of Parcel 16, which assent may also be utilized to effect a partial termination of any portion of this covenant; or (c) at such time as the primary use of Parcel 16 is other than that of a financial services business, whichever event shall first occur.

3. In order to promote good water conservation practices and to lessen the burden of treating and disposing of sewage effluent, so as to benefit the Property and the surrounding areas, all water faucets, showerheads and nozzles located within any structure shall provide for a maximum flowage rate not to exceed two and one-half (2½) gallons of water per minute, and all toilets and commodes located within the Property shall have maximum flowage rates not to exceed three and one-half (3½) gallons of water per flush.

If within any structure or structures approved for construction by the Architectural Standard Committee ("Architectural Standard Committee"

shall mean and refer to said term as defined in the Declaration of Covenants, Conditions and Restrictions for Northridge Park recorded in Deed Book 359 at Page 897 in the Office of the Clerk of Court for Beaufort County, South Carolina, hereinafter the "Northridge Park Declaration") it can be demonstrated that because of the use planned for that structure it will be practically impossible to limit all water faucets and nozzles located within such structure or structures to the maximum flowage rates hereinabove, then, in that event, maximum flowage rates for certain nozzles and faucets may exceed those provided for herein, but only with the written consent of the Company and only where required due to the practical impossibility of limiting such faucets and nozzles to the maximum flowage set forth herein.

4. Parcel Coverage. No buildings or other structures shall be approved for construction on any Parcel (excluding parking and driveways) which, taken together with all other structures approved for construction or constructed upon said Parcel, would exceed forty (40%) percent of that Parcel's gross acreage.

5. Building Height Restrictions. No building or other structure which has a height exceeding three (3) habitable stories plus one story of parking under the habitable stories, and in no event more than sixty (60') feet above the elevation of the finished grade of such structure, shall be constructed on any Parcel.

6. Fifty Foot Natural and Landscaped Buffers.

(a) That area lying within fifty (50') feet of the north-westerly property line of each Parcel which is located adjacent to U.S. Highway 278 is hereby reserved for use as a buffer and, except as otherwise set forth herein or with the written consent of the Company,

no improvements of any nature shall be permitted thereon except decorative landscaping and cultivation of trees and natural foliage, nor shall any live foliage be cleared from said buffer. Except with the written consent of the Company, no structures of any kind shall be erected or placed within the aforesaid buffer, and no roads, pathways or curb cuts shall be permitted therein. The aforesaid buffer is more particularly shown and designated on the attached EXHIBIT "A" as "50' Natural and Landscaped Buffer".

(b) All those areas within any Parcel lying within twenty (20') feet of the property lines located adjacent to any road rights-of-way or street within or outside the Property are hereby reserved for use as a buffer and, except as otherwise set forth herein or with the written consent of the Company, no improvements of any nature shall be permitted thereon, except decorative landscaping and cultivation of trees and natural foliage, nor shall any live foliage be cleared from said buffer. Except with the written consent of the Company, no structures of any kind shall be erected or placed within the aforesaid buffer, and no roads, pathways or curb cuts shall be permitted therein.

(c) Those portions of each Parcel which are designated as buffer zones in Article III, Paragraphs 6(a) and 6(b) herein shall be "buffer zones" for the purposes said term is used in the Northridge Park Declaration.

7. Industrial Use Restrictions. Industrial Use of any portion of the Property is prohibited. "Industrial Use" shall mean and refer to the manufacturing, extraction and warehousing of goods or the shipping or distribution of goods for sale or resale at locations not within the

Properties. Nothing contained herein shall in any way be construed, however, to subject the land shown on EXHIBIT "B" to this Declaration until annexed by the Company as provided in Article II herein.

ARTICLE IV

GENERAL PROVISIONS

1. Enforcement. The Company, the Association, or any Owner shall have the right to enforce, by any proceedings at law or in equity, all of the restrictions, conditions, covenants, easements, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure of the Company, the Association, or any Owner to enforce any provision herein contained shall in no event be deemed as a waiver of right to do so thereafter. In pursuit of the right reserved herein and all other rights and reservations held by the Company and the Association, the Company hereby reserves unto itself, its employees and agents, the right to enter upon any Parcel for the purpose of inspecting the same or any improvements thereon.

2. Severability. Invalidation of any covenants or restrictions or any term, phrase or clause of this Declaration by the adjudication of any court or tribunal shall in no way effect the other provisions hereof which are hereby declared to be severable and which shall remain in full force and effect.

3. Duration. The Covenants and Restrictions of this Declaration shall run with and bind the Property, and each portion thereof, and each Owner, occupant and other person or entity having any interest therein. This Declaration shall inure to the benefit of and be enforceable by the Company, the Association, and any Owner for a period of twenty (20) years (except for the ten [10] year period set forth in Paragraph 2 of

Article III) from the date hereof and, thereafter, shall continue automatically in effect for additional periods of twenty (20) years, forever, unless otherwise agreed to in writing by both: (a) the then Owners of at least seventy-five (75%) percent of the total number of Parcels in Block A; and (b) at least seventy-five (75%) percent of the total votes eligible to be cast by all Members of the Association as provided in Article IX, Paragraph 3 of the Northridge Park Declaration.

4. Assignment. The Company shall have the right to assign to any one or more persons, firms, corporations, partnerships or associations any and all rights, powers, titles, easements and estates reserved or given to the Company in this Declaration or in the Northridge Park Declaration.

#### ARTICLE V

#### AMENDMENT

This Declaration (except for Article IV, Paragraph 3 herein) may be amended by the written consent and the affirmative vote, respectively, of both: (1) the then Owners of at least two-thirds (2/3) of the total number of Parcels in Block A; and (2) at least two-thirds (2/3) of the votes eligible to be cast by all Members of the Association as more particularly described in Article IX, Paragraph 5 of the Northridge Park Declaration; provided, however, that: (a) while the Company is the Owner of any portion of the Property, no amendment shall be effective unless and until such amendment is approved in writing by the Company; (b) until the Company conveys all of the Property, the Company retains the right to amend this Declaration to the extent that it affects any portion of the Property which is still owned by the Company in any way that the Company may, in its sole discretion, deem desirable; and (c)

the provisions of Article III, Paragraph 2 of this Declaration may not be amended without the written consent of the then Owner of Parcel 16 and the then Owner of Parcel 3 (if such amendment relates to the use of Parcel 3) and the then Owner of Parcel 13 (if such amendment relates to the use of Parcel 13). For the purposes of this Declaration the terms "Members" and "Association" shall mean and refer to the definitions of Members and Association set forth in Article I of the Northridge Park Declaration, and more particularly, the terms "Members" and "Association" shall be deemed to include all Members of the Association and the Association for the Property as "Property" or "Properties" is defined in Article I, Paragraph 2 of the Northridge Park Declaration and not just those Members who are Owners of properties located in Block A, Phase I of Northridge Park.

WITNESS its hand and seal this the 15<sup>th</sup> day of December 1982.

WITNESSES:

THE HILTON HEAD COMPANY, INC.  
A Delaware Corporation

Barbara Bush

By: [Signature]

John P. [Signature]

Attest: [Signature]



STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

} PROBATE

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PERSONALLY appeared before me Barbara Bush who states on oath that She saw the within named THE HILTON HEAD COMPANY, INC., by David W. Greve its Vice President, as its act and deed, sign, seal and deliver the within Declaration of Covenants, Easements, Conditions and Restrictions for Block A, Phase I, Northridge Park, and C. Daniel Baker its Asst. Secretary attest the same, and that She with John P. Qualey, JR witnessed the execution thereof.

Barbara Bush

SWORN TO before me this 15<sup>th</sup>  
day of December, 19 82

John P. Qualey, Jr. (L.S.)  
Notary Public for South Carolina  
My Commission Expires 8/8/87



## EXHIBIT "A"

ALL those certain pieces, parcels or tracts of land lying and being on Hilton Head Island, Beaufort County, South Carolina, and being designated as "Lot 3, Lot 12, Lot 13, Lot 14, Lot 15 and Lot 16" of Block A, Phase I, Northridge Park as more particularly described on that certain plat of survey entitled "Phase I, Northridge Park" prepared by Coastal Surveying Co., Inc., Jerry L. Richardson, South Carolina Registered Land Surveyor No. 4784, dated July 22, 1982, and last revised November 5, 1982, and being recorded in Plat Book 31 at Page 16 in the Office of the Clerk of Court for Beaufort County, South Carolina.

FILED AT	BEAUFORT COUNTY S. C.	RECORDED IN BOOK PAGE
4:05 O'CLOCK	DEC 17 1982	359 930
P. M.		
Nancy H. Lowry, Dep. CLERK OF COURT OF COMMON PLEAS EXHIBIT "B"		

*Dugan*

941

ALL that certain piece, parcel or tract of land containing 132.725 acres, more or less, located on Hilton Head Island, Beaufort County, South Carolina, and designated as "A 132.725 Acre Tract Located on Hilton Head Island" as shown on that certain plat of survey dated March 25, 1981 and prepared by Coastal Surveying Co., Inc., Jerry L. Richardson, South Carolina Registered Land Surveyor No. 4784 and being more particularly described as follows:

BEGINNING at a concrete monument located at South Carolina Coordinate System, South Zone Coordinate N139,096.251 E2,091,833.521 and located on the northerly right-of-way of U.S. Highway 278 and located N 40°14' 03 seconds E at a distance of 28,636.657 feet from the POINT OF COMMENCEMENT (the POINT OF COMMENCEMENT being a concrete monument located in the center of Sea Pines Circle and being South Carolina Coordinate System, South Zone Coordinate N117,234.664 E2,073,336.788) being the POINT OF BEGINNING and running thence N 77°57'28" W a distance of 3,439.15 feet to a point; thence along an arc having a delta of 05°23'08", a radius of 1,537.89 feet for a length of 144.55 feet, said arc having a chord distance of 144.50 feet and chord bearing of N 80°39'02" W; thence N 77°57'28" W a distance of 485.96 feet to a point; thence N 12°21'35" W a distance of 41.31 feet to a point; thence N 53°14'17" E a distance of 2,680.29 feet to a point; thence along an arc having a delta of 98° 28'43", a radius of 708.57 feet, for a length of 1,217.88 feet, said arc having a chord distance of 1,073.41 feet and a chord bearing of S 77°31'23" E; thence S 28°17'00" E a distance of 991.69 feet; thence along an arc having a delta of 25°35'32", a radius of 3,144.04 feet, for a length of 1,404.35 feet, said arc having a chord distance of 1,392.70 feet and a chord bearing of S 15°29'14" E; thence S 49°54'12" W a distance of 61.38 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

ALL those certain pieces, parcels or tracts of land lying and being on Hilton Head Island, Beaufort County, South Carolina, and being designated as "Lot 3, Lot 12, Lot 13, Lot 14, Lot 15 and Lot 16" of Block A, Phase I, Northridge Park as more particularly described on that certain plat of survey entitled "Phase I, Northridge Park" prepared by Coastal Surveying Co., Inc., Jerry L. Richardson, South Carolina Registered Land Surveyor No. 4784, dated July 22, 1982, and last revised November 5, 1982, and being recorded in Plat Book 31 at Page 16 in the Office of the Clerk of Court for Beaufort County, South Carolina.

public services and facilities; and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, appearance, prosperity, or the general welfare. In particular, the regulations shall prescribe that no land development plan, including subdivision plats, will be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation or from other menaces to health, safety, or public welfare.

(B) These regulations may include requirements as to the extent to which and the manner in which streets must be graded, surfaced, and improved, and water, sewers, septic tanks, and other utility mains, piping, connections, or other facilities must be installed as a condition precedent to the approval of the plan. The governing authority of the municipality and the governing authority of the county are given the power to adopt and to amend the land development regulations after a public hearing on it, giving at least thirty days' notice of the time and place by publication in a newspaper of general circulation in the municipality or county.

HISTORY: 1994 Act No. 355, Section 1; 2007 Act No. 31, Section 5, eff May 23, 2007.

Effect of Amendment

The 2007 amendment, in subsection (A) in the first sentence added “, the housing element, and the priority investment element” and substituted “have” for “has”.

**SECTION 6-29-1140.** Development plan to comply with regulations; submission of unapproved plan for recording is a misdemeanor.

After the local governing authority has adopted land development regulations, no subdivision plat or other land development plan within the jurisdiction of the regulations may be filed or recorded in the office of the county where deeds are required to be recorded, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the designated authority. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by this chapter is declared a misdemeanor and, upon conviction, is punishable as provided by law.

HISTORY: 1994 Act No. 355, Section 1.

**SECTION 6-29-1145.** Determining existence of restrictive covenant; effect.

(A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

(1) in the application for the permit;

(2) from materials or information submitted by the person or persons requesting the permit; or

(3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

(1) “actual notice” is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;

(2) “permit” does not mean an authorization to build or place a structure on a tract or parcel of land; and

(3) “restrictive covenant” does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land.

HISTORY: 2007 Act No. 45, Section 3, eff June 4, 2007, applicable to applications for permits filed on and after July 1, 2007; 2007 Act No. 113, Section 2, eff June 27, 2007.

Effect of Amendment

The 2007 amendment, in subsection (A), substituted “in the application or by written instructions to an applicant whether” for “if”, rewrote subsection (B); and in subsection (C), added paragraph (1) defining “actual notice” and redesignated paragraphs (1) and (2) as paragraphs (2) and (3).

**SECTION 6-29-1150.** Submission of plan or plat to planning commission; record; appeal.

(A) The land development regulations adopted by the governing authority must include a specific procedure for the submission and approval or disapproval by the planning commission or designated staff. These procedures may include requirements for submission of sketch plans, preliminary plans, and final plans for review and approval or disapproval. Time limits, not to exceed sixty days, must be set forth for action on plans or plats, or both, submitted for approval or disapproval. Failure of the designated authority to act within sixty days of the receipt of development plans or subdivision plats with all documentation required by the land development regulations is considered to constitute approval, and the developer must be issued a letter of approval and authorization to proceed based on the plans or plats and supporting documentation presented. The sixty-day time limit may be extended by mutual agreement.

(B) A record of all actions on all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained as a public record. In addition, the developer must be notified in writing of the actions taken.

(C) Staff action, if authorized, to approve or disapprove a land development plan may be appealed to the planning commission by any party in interest. The planning commission must act on the appeal within sixty days, and the action of the planning commission is final.

(D)(1) An appeal from the decision of the planning commission must be taken to the circuit court within thirty days after actual notice of the decision.

(2) A property owner whose land is the subject of a decision of the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1155.

A notice of appeal and request for pre-litigation mediation must be filed within thirty days after the decision of the board is mailed.

(3) Any filing of an appeal from a particular planning commission decision pursuant to the provisions of this chapter must be given a single docket number, and the appellant must be assessed only one filing fee pursuant to Section 8-21-310(11)(a).

(4) When an appeal includes no issues triable of right by jury or when the parties consent, the appeal must be placed on the nonjury docket. A judge, upon request by any party, may in his discretion give the appeal precedence over other civil cases. Nothing in this subsection prohibits a property owner from subsequently electing to assert a pre-existing right to trial by jury of any issue beyond the subject matter jurisdiction of the planning commission, such as, but not limited to, a determination of the amount of damages due for an unconstitutional taking.

HISTORY: 1994 Act No. 355, Section 1; 2003 Act No. 39, Section 12, eff June 2, 2003.

Effect of Amendment

The 2003 amendment substituted “considered” for “deemed” in subsection (A), made nonsubstantive changes in subsection (C), added subsections (D)(2), (D)(3), and (D)(4), redesignated subsection (D) as (D)(1), and in newly designated (D)(1) substituted “must” for “may” and inserted “the” preceding “circuit court”.

**SECTION 6-29-1155.** Pre-litigation mediation; notice; settlement approval; effect on real property; unsuccessful mediation.

(A) If a property owner files a notice of appeal with a request for pre-litigation mediation, the request for mediation must be granted, and the mediation must be conducted in accordance with South Carolina Circuit

## Exhibit 4

## Sec.16-1-106. - Relationship with Other Laws, Covenants, or Deed Restrictions

## A. Conflicts with Other LMO Standards

1. When any LMO provision is inconsistent with another LMO provision, or a provision found in other adopted codes or *ordinances* of the *Town*, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.
2. When there is a conflict between an overlay zoning district and an underlying *base zoning district*, the provisions of the overlay district shall control. When there is a conflict between two overlay districts and one of the districts is the Redevelopment Overlay District, the provisions of the Redevelopment Overlay District shall control.
3. When it is possible to implement, administer, or construe a particular provision in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of the LMO.

## B. Relationship to Restrictive Covenants or Deed Restrictions

In accordance with S.C. Code Ann. § 6-29-1145, *Town applications* for *land development* permits or approvals other than those authorizing the *building* or placement of a *structure* on a *tract* or *parcel* of *land* shall ask whether the subject *tract* or *parcel* of *land* is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed activity. If the *Town* has actual notice of such a restrictive covenant, whether from the *application* or other source, the *Town* shall not issue the permit unless the *Town* receives written confirmation and proof from the *applicant* that the restrictive covenant has been released for the *tract* or *parcel* of *land* by action of the appropriate authority or property holders, or by court order. The issuance of a permit does not affect the *applicant's* obligations under any recorded covenants.