



Town of Hilton Head Island
Special Meeting of Town Council
Tuesday, April 28, 2020, 2:00 p.m.
AGENDA

This meeting will be conducted electronically and broadcast via livestream on the Town's Facebook page (<http://facebook.com/TownofHiltonHeadIslandSC>) and the Town's website (<https://www.hiltonheadislandsc.gov/>).

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. **Pledge of Allegiance**
4. **Invocation – Senior Pastor Neil Young, Jr. – St. Andrew by the Sea**
5. **Approval of Agenda**
6. **Guest Speakers**
 - a. Update from Jeremy Clark, CEO Hilton Head Regional Healthcare
 - b. Update from Bill Miles, President and CEO, Hilton Head Island-Bluffton Chamber of Commerce
7. **Consent Agenda:** Approval of Town Council Meeting Minutes
 - a. Regular Town Council Meeting, March 17, 2020
 - b. Emergency Town Council Meeting, March 21, 2020
 - c. Emergency Town Council Meeting, March 26, 2020
 - d. Emergency Town Council Meeting, March 30, 2020
 - e. Emergency Town Council Meeting, April 3, 2020
 - f. Emergency Town Council Meeting, April 7, 2020
 - g. Emergency Town Council Meeting, April 10, 2020
 - h. Emergency Town Council Meeting, April 21, 2020
8. **Staff Update on Recovery Functions – Shawn Colin, Director of Community Development**
9. **Review and Discussion of Latest DHEC COVID-19 Data**
10. **Consideration of Amendments to Existing Emergency Closure of Public Beach and Park Access**
11. **Amendments to Existing Emergency Ordinance Regulating Parking and Towing of Vehicles**

12. First Reading of Proposed Ordinance 2020-11 – Town Code Update of Parking and Towing

First Reading of Proposed Ordinance 2020-11 to amend the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Sections 12-3-211, 12-3-412, 12-3-413, and 12-5-112, and by adding Section 12-3-213 and by deleting Section 12-3-411, to declare certain activities related to the parking of vehicles to be unlawful, to declare unlawfully parked vehicles to be a public nuisance, to provide for the towing of vehicles that are found to be a public nuisance; providing for exemptions; and providing for severability and an effective date.

13. Town Council Discussion

14. Executive Session

- a. **Personnel Matters:** Discussion of appointments of members related to Boards and Commissions.

15. Possible Actions Taken by Council as a Result of Discussions in Executive Session

16. Adjournment

Public comments concerning agenda items can be submitted electronically via the Town’s Virtual Town Hall portal (<https://hiltonheadislandsc.gov/opentownhall/>). The portal will close **TWO (2) HOURS** prior to the scheduled meeting. All comments will be provided to Town Council for review and made part of the official record.



TOWN OF HILTON HEAD ISLAND

Executive Department

TO: Town Council
DATE: April 24, 2020
SUBJECT: Consent Agenda – Approval of Town Council Meeting Minutes

For review and consideration, please find the draft meeting minutes for the following meetings:

- a. Regular Town Council Meeting, March 17, 2020
- b. Emergency Town Council Meeting, March 21, 2020
- c. Emergency Town Council Meeting, March 26, 2020
- d. Emergency Town Council Meeting, March 30, 2020
- e. Emergency Town Council Meeting, April 3, 2020
- f. Emergency Town Council Meeting, April 7, 2020
- g. Emergency Town Council Meeting, April 10, 2020
- h. Emergency Town Council Meeting, April 21, 2020

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

Date: Tuesday, March 17, 2020

Time: 4:00 p.m.

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; Tom Lennox, Marc Grant, David Ames, Tamara Becker, Glenn Stanford *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*; Joshua Gruber, *Assistant Town Manager*; Charles Cousins, *Assistant to the Town Manager*; Scott Liggett, *Director of Public Projects and Facilities*; Shawn Colin, *Director of Community Development*; Brad Tadlock, *Fire Chief*; John Troyer, *Finance Director*; Carolyn Grant, *Communications Director*; Jenn McEwen, *Cultural Affairs Director*; Stephen Ryan, *Staff Attorney* Jennifer Ray, *Deputy Director of Community Development*; Jeff Buckalew, *Town Engineer*; Krista Wiedmeyer, *Executive Assistant/Town Clerk*

Present from Media: Kathrine Kokal, *Island Packet*

1. Call to Order

The Mayor 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 South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Pledge to the Flag

4. Invocation

Mr. Harkins delivered the invocation.

5. Approval of Minutes

a. Town Council Meeting, January 21, 2020

Mr. Harkins moved to approve. Mr. Stanford seconded. The Town Council meeting minutes from January 21, 2020 were approved by a vote of 7-0.

b. Town Council Special Meeting, February 18, 2020

Mr. Harkins moved to approve. Mr. Stanford seconded. The Town Council Special meeting minutes from February 18, 2020 were approved by a vote of 7-0.

6. Reports from Members of Council

a. General Reports from Council

Mrs. Becker thanked the Beaufort County Sheriff's Office for their prompt response to a matter within her community.

b. Report of the Intergovernmental Committee – Bill Harkins

Mr. Harkins stated that he did not have a report.

c. Report of the Community Services & Public Safety Committee – Marc Grant

Mr. Grant stated that he did not have a report.

d. Report of the Public Planning Committee – David Ames

Mr. Ames stated that he did not have a report.

e. Report of the Finance & Administrative Committee – Tom Lennox

Mr. Lennox reported that at their last meeting during executive session, the Committee met to review information related to the negotiations of the DMO contract.

7. Proclamations/Commendations – None

8. Consent Agenda - None

9. Unfinished Business

a. Revised First Reading of Proposed Ordinance 2020-01

Revised First Reading of Proposed Ordinance 2020-01 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 5 & 10. These amendments commonly referred to as *Zero Lot Line Amendments* as noticed in the Island Packet on October 20, 2019, include changes that provide for General Amendments to several sections in the LMO described on Exhibit "A" to the Ordinance, and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. Stanford seconded. With little discussion from the members of Council and no discussion from the public, the motion was approved by a vote of 6-1, Mr. Stanford opposing.

10. New Business

a. Consideration of a Resolution – Declaration of a State of Emergency

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, establishing a State of Emergency in the Town of Hilton Head Island.

Mr. Harkins moved to approve. Mr. Stanford seconded. Mayor McCann asked Mr. Harkins to review and read the Resolution aloud. After discussion by and between the members of Town Council, Mr. Harkins amended his motion to also include "to serve and protect residents and guests" under item number three. Mr. Stanford seconded the amended motion. With discussion from the members of Town Council and the public at large, the motion approving the Resolution as amended was approved by a vote of 7-0.

11. Appearance by Citizens – None

Mayor McCann reported that there would only be one meeting in April. He also vowed to continue supporting local businesses and restaurants throughout this matter.

At 4:30 p.m., Mayor recessed the meeting so the members of Council, Town staff, and public could watch the Governor's press conference.

12. Executive Session

Mr. Riley stated that he had a need to enter into Executive Session for discussion on the following matters: (a) Land Acquisition; discussion of negotiation incident to the proposed sale, lease or purchase of property in the (i) Union Cemetery Road area, (ii) Islander Beach area, and (iii) US 278 Mid-Island area; (b) Legal Matters; discussion of legal matters related to pending, threatened, or potential litigation related to ATAX matters; and (c) Personnel Matters; discussions of appointments of members related to boards and commissions.

At 4:50 p.m., Mr. Harkins moved to enter Executive Session for the items mentioned by the Town Manager. Mr. Stanford seconded. The motion was approved by a vote of 7-0.

At 5:23 p.m. Council returned from Executive Session.

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

Mr. Grant moved to appoint Julie Martin as a Hospitality Member to the Accommodations Tax Advisory Committee; Annett Sophie as an Architect Member and Judd Carstens as a Landscape Architect Member to the Design and Review Board; Joseph C. Monmonier and William Zurilla to the Parks and Recreation Commission; and Stephen J. Alfred as Attorney Member to the Planning Commission. All appointments to the herein mentioned are new three-year terms, beginning July 1, 2020 through June 30, 2023. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

Mr. Grant moved to reappoint Roger M. Freedman as At-large Member and Richard Thomas as Cultural Organization Member to the Accommodations Tax Advisory Committee; Charles P. Walzcak as At-large Member to the Boards of Zoning Appeals; David B. McAllister as Landscape Architect Member to the Design Review Board; Ray L. Kisiah, Jr. as At-large Member to the Parks and Recreation Commission; and Alan Perry as At-large Member to the Planning Commission. All reappointments to the herein mentioned boards, commissions, or committees are three-year terms, beginning July 1, 2020 through June 30, 2023. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

Mr. Grant moved to approve a special one-year extension to T. Peter Kristian as At-large Member and Lavon C. Stevens as At-large Member to the Planning Commission. The special one-year extension will begin on July 1, 2020 through June 30, 2021. Mr. Harkins seconded. The motion was approved by a vote of 5-2, Mr. Ames and Mrs. Becker opposing.

14. Adjournment

By unanimous vote, the meeting was adjourned at 5:28 p.m.

**THE TOWN OF HILTON HEAD ISLAND
TOWN COUNCIL EMERGENCY MEETING MINUTES**

Date: Saturday, March 21, 2020

Time: 4:00 p.m.

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Marc Grant, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*, Josh Gruber, *Assistant Town Manager*; Charles Cousins, *Assistant to the Town Manager*; Brad Tadlock, *Fire Chief*; Krista Wiedmeyer, *Executive Assistant/Town Clerk*.

1. Call to Order

Mayor McCann 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 South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Approval of the Agenda

Mr. Ames made a motion, asking to amend the agenda adding “public discussion” as item “d”. Mayor McCann stated at the end of the agenda, he will allow each member of Council an opportunity to discuss items and information they feel is important to the community. He went on to say that under the current agenda format, there is no public discussion both in general or on the agenda items. Mr. Harkins stated that given the magnitude of the issue the community is facing, that he would respectfully request that members of the public be allowed to address Council. Mrs. Becker said that she agrees with both Mr. Ames and Mr. Harkins and would like to have the public address Council. Mayor McCann said he would allow Mr. Ames motion, and if there was a second, he would take a vote. Mrs. Becker seconded the motion. The motion to add public discussion to the agenda failed by a vote of 3-4, Mayor McCann, Mr. Grant, Mr. Lennox, and Mr. Stanford opposed.

Mr. Harkins moved to approve the agenda as written. Mr. Stanford seconded. The motion to approve the agenda as written was approved by a vote of 5-2, Mr. Ames and Mrs. Becker opposed.

4. New Business

- a. Emergency Ordinance 2020-05 - Council Authorization of Video or Teleconference Town Council Meetings**

Mr. Stanford moved to approve. Mr. Harkins seconded. With no discussion from the members of Council, the motion was approved by a vote of 7-0.

4. New Business (cont.)

- b. Emergency Ordinance of 2020-06 – Authorization of the Towing of Vehicles Parked on Public Roads and Right-of-Ways**

Mr. Harkins moved to approve. Mr. Stanford seconded. Mrs. Becker stated that she circled through some the town's public parks noticing that some of the parking areas had not been closed off. She also reported that she saw the meters were bagged. Mr. Riley stated that the Town has closed the public access to the beach parks only, not any of the other Town-owned parks. He said that regarding the meters, they had been bagged for a couple of reasons; one being, that staff is stretched in response to enhanced cleaning procedures at all Town buildings and second he doesn't want staff touching the money. With no further discussion from Council, the motion passed by a vote of 7-0.

- c. Emergency Ordinance 2020-07 – Delaying of the Collections of Business License Fees, Local ATAX, and Local Hospitality Tax until June 20, 2020.**

Mr. Harkins moved to approve. Mr. Stanford seconded. With no discussion from the members of Council the motion was approved by a vote of 7-0.

5. Comments of Town Council

Mr. Stanford stated that he was pleased with the actions taken by Council but suspected that these would not be the last actions they take. Mrs. Becker said that she wanted Town Council take action to keep its residents safe and wanted to see Council act during this meeting and not wait another week for further decisions. Mr. Harkins said that would respectfully request the convening of Council for a special meeting of Town Council as early as Monday, March 23, 2020, to discuss what additional actions the Town might consider addressing in response to the COVID-19 threat to the community. Mr. Grant said that he would like Council to keep in mind those residents who are not able to work during this time, and what the Town could possibly do to help in response to this matter. He said that he understood information from the Community Foundation of the Lowcountry was being provided, but that he would like to have further conversations about what can or could be done. Mr. Lennox said that he understood the circumstances were changing rapidly and that Council needed to be prepared to respond as changes occur. He said that he felt Mr. Harkins was right in what additional actions could be taken. Mr. Ames said that he felt Council needed to discuss actions related to short-term rentals as well as discussing the development of a cross-disciplined group to ask the "what if" questions. Mr. Ames said that he recommends that the Town meet the amount of seed funding from the Community Foundation of the Lowcountry. Mayor McCann said, without committing to a date and time, there would be another meeting next week to consider the items Council has brought forward.

6. Adjournment

By unanimous vote, the meeting was adjourned at 4:23 p.m.

**THE TOWN OF HILTON HEAD ISLAND
TOWN COUNCIL EMERGENCY MEETING MINUTES**

Date: Saturday, March 26, 2020

Time: 2:00 p.m.

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Marc Grant, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*; Joshua Gruber, *Assistant Town Manager*; Krista Wiedmeyer, *Executive Assistant/Town Clerk*.

1. Call to Order

Mayor McCann called the meeting to order at 2:00 p.m. By way of roll call, Mayor McCann confirmed attendance of each member of Council.

Mayor McCann gave a brief update on the recent meetings he and the Town Manager, Mr. Riley had been participating in. He said in the recent meeting with the regional municipalities, they had all agreed to follow the Town's lead in asking the Governor for a stay-at-home 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. Approval of Agenda

Mr. Harkins moved to approve the agenda as written. Mr. Stanford seconded. By way of roll call, the agenda was approved by a vote of 7-0.

4. Consideration of a Resolution

Consideration of a Resolution of the Town Council of Hilton Head Island calling upon Governor Henry McMaster to issue a mandatory Stay at Home Order for the State of South Carolina for such period of time as may be deemed necessary and appropriate by the South Carolina Department of Health and Environmental Control.

Mr. Harkins moved to approve. Mr. Stanford seconded. The members of Council had a brief discussion on this item. Mr. Riley explained the reason behind taking this first step in asking the Governor for a stay-at-home order. He further explained that after some research and review of opinions from the Attorney General's office, local municipalities do not have legal authority to call their own order. By way of roll call, the motion was approved by a vote of 7-0.

5. Consideration of Approval of a Statement from Council to the Community

Mr. Harkins moved to approve. Mr. Stanford seconded. The members of Council had a brief discussion on this item. Mr. Harkins amended his motion to include after number six, “encourage those who are able to, to begin following these guidelines immediately”; and at the bottom of the statement include “please follow the Town’s website for important updates and information.” Mr. Stanford seconded. By way of roll call, the amended motion was approved by a vote of 7-0.

6. Consideration of Authorizing Letters to State and Federal Officials Seeking Economic and Medical Assistance

Mr. Ames moved to approve. Mr. Stanford seconded. The members of Council had a brief discussion on this item. By way of roll call, the motion was approved by 7-0.

7. Consideration of a Letter Asking the Hospital to Share Daily Information on Patients Being Treated for COVID-19

Mr. Harkins moved to remove this item from the agenda. Mr. Stanford seconded. The members of Council had a brief discussion on this item. Mr. Riley stated that only DHEC is reporting the positive numbers, not the hospitals or doctors independently. He further stated that the data is soon to be reported by ZIP Code. Mr. Harkins amended his motion, moving that a letter be sent to DHEC to report by ZIP Code. Mr. Stanford seconded. By way of roll call the amended motion to draft a letter to DHEC and not the hospital failed by a vote of 3-4, Mr. Ames, Mrs. Becker, Mr. Grant, and Mr. Stanford opposed. Mayor McCann said that at the next meeting, this item would be further discussed, and a decision made then. He said that the Hospital Board did vote to not provide any direct reporting to the Town and provide all reporting through DHEC.

Mr. Ames moved to approve this item as proposed, acknowledging that it can be rescinded upon receipt of ZIP Code data from DHEC. Mrs. Becker seconded. By way of roll call, the motion was approved by a vote of 5-2, Mayor McCann and Mr. Harkins opposed.

8. Discussion of Future Meeting Schedule

Mayor McCann confirmed that the next meeting would take place on Monday, March 30, 2020.

9. Adjournment

By unanimous vote, the meeting was adjourned at 4:00 p.m.

**THE TOWN OF HILTON HEAD ISLAND
TOWN COUNCIL EMERGENCY MEETING MINUTES**

Date: Monday, March 30, 2020

Time: 6:00 p.m.

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Marc Grant, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*; Joshua Gruber, *Assistant Town Manager*; Krista Wiedmeyer, *Exec. Assist/Town Clerk*

1. Call to Order

Mayor McCann called the meeting to order at 6:00 p.m. By way of roll call, Mayor McCann confirmed the presence of all members of Town Council.

Mayor McCann explained that he had received word that the Governor would be holding a press conference at 4:00 p.m. which is why he moved the start time of this meeting to 6:00 p.m. Mayor McCann also noted that after having conversations with the Mayors throughout Beaufort County, a decision was made to give the Governor an additional 48 hours to respond to the stay-at-home request.

Mr. Riley reviewed statistics related to the number of viewers reached during the first virtual meeting. He said that the citizen reach was greater than any other council meeting ever. Mr. Riley also provided the statistics for website traffic from March 10th to March 26th. He continued by saying that the Town is getting a lot of information out and reaching a significant number of people. Mr. Riley said that he received an update from Sea Pines who manages about 400 rentals. He said that as of that morning, 147 units were occupied, of those occupied, 41 were occupied by short-term renters who had a reservation and in their unit before Sea Pines stopped accepting reservations, the other 106 units were owner occupied. Mr. Riley also went over the traffic count compared to the same time last year. Mr. Riley mentioned the number of items that the Town is going to start doing to promote some positivity throughout the Island.

- 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. Approval of Agenda

Prior to the approval of the agenda, Mr. Ames asked that after all scheduled business, each member of Council have a chance to express what they have been experiencing. Mr. Harkins moved to approve the agenda as amended. Mrs. Becker seconded. By way of roll call, the motion was approved 7-0.

4. Consideration of a Resolution

Consideration of a Resolution to urge rental agencies, including hotels/motels, to voluntarily stop taking reservations through the month of April. Urge agencies not to target promotional materials to areas hard hit by COVID-19

Mr. Stanford said he would like to amend agenda item number 4 to say; "including a notice to the rental companies and others that are offering rental properties on the Island, asking them to give notice to prospects about what is closed on the Island, so that they are discouraged from coming here." Mr. Harkins moved to approve as amended. Mr. Stanford seconded. The members of Council had a brief discussion on this item. By way of roll call, the motion as amended was approved by a vote of 7-0.

5. Consideration of a Resolution

Consideration of a Resolution to urge residents and guests to limit recreation to walking and biking or to activities that they can walk or bike to. Close Town park parking lots. Keep Town beach parking lots closed. Urge POA's and private clubs to voluntarily restrict access to their beach facilities to walkers and bikers. To be effective through the end of April

Mr. Harkins moved to approve. Mr. Grant seconded. The members of Council had a brief discussion on this item. During the discussion, a notice was received that the Governor issued an executive order closing all beaches throughout the state. Mr. Riley read the press release concerning the Governor's executive order. Mr. Harkins amended his first motion to include both public and private beach access. Mr. Grant seconded. Mr. Riley confirmed that the resolution being considered does include the Town-owned parks. Mr. Harkins amended the amended motion to include the Town's ability to tow vehicles from the on-street parking at Burks Beach Road. By way of roll call, the motion as amended was approved by a vote of 7-0.

6. Consideration of a Resolution

Consideration of a Resolution urging businesses that are non-essential (per Homeland Security Guidelines), or where the ability to practice social distancing is comprised, to voluntarily close through the month of April

Mr. Harkins moved to approve. Mr. Stanford seconded. The members of Council had a brief discussion on this item. By way of a roll call, the motion was approved by a vote of 7-0.

7. Town Council Comments

Mayor McCann called on each member of Council who discussed items that were of importance to them and their constituents.

8. Adjournment

By unanimous vote, the meeting adjourned at 7:29 p.m.

**THE TOWN OF HILTON HEAD ISLAND
TOWN COUNCIL EMERGENCY MEETING MINUTES**

Date: Friday, April 3, 2020

Time: 10:00 a.m.

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Marc Grant, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*; Josh Gruber, *Assist. Town Manager*; Scott Liggett, *Director of Public Projects, and Facilities*; Shawn Colin, *Director of Community Development*; Brad Tadlock, *Fire Chief*; Carolyn Grant, *Communications Director*; Tom Dunn, *Emergency Management Coordinator*; Stephen Ryan, *Staff Attorney* Krista Wiedmeyer, *Exec. Assist/Town Clerk*

1. Call to Order

Mayor McCann called the meeting order at 10:00 a.m. By way of roll call, Mayor McCann confirmed the attendance of all members of Council.

- 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. Pledge of Allegiance

4. Approval of Agenda

Mr. Harkins moved to approve. Mr. Stanford seconded. By way of roll call, the agenda was approved by a vote of 7-0.

5. Status update on recent actions taken by Town Council

Starting with the actions taken by Town Council at the first emergency meeting on March 21, 2020 and concluding with the most recent emergency meeting on March 30, 2020, Mr. Riley and the members of Town staff present at the meeting provided updates to Town Council. During the updates, a video from Tom Bouthillet, Battalion Chief of Emergency Medical Services, asking citizens to stay home was shown.

6. Address recent inquiries related to COVID-19 matter

Mr. Riley covered several different items that had come up since the start of the COVID-19 matter.

7. Town Council Comments

Mayor McCann called on each member of Council who discussed items that were of importance to them and their constituents.

1. Adjournment

By unanimous vote, the meeting adjourned at 11:36 a.m.

**THE TOWN OF HILTON HEAD ISLAND
TOWN COUNCIL EMERGENCY MEETING MINUTES**

Date: Tuesday, April 7, 2020

Time: 2:00 p.m.

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Marc Grant, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*; Josh Gruber, *Assist. Town Manager*; Krista Wiedmeyer, *Exec. Assist/Town Clerk*

1. Call to Order

Mayor McCann called the meeting order at 10:00 a.m. By way of roll call, Mayor McCann confirmed the attendance of all members of Council.

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. Pledge of Allegiance

4. Approval of Agenda

Mayor McCann stated that he would be removing the agenda items related to regular Town business. He also said that for future meetings, the Open Town Hall portal would be opened and available for public comment a week prior to the consideration of any such business items.

Mr. Harkins moved to approve as amended by Mayor McCann. Mr. Stanford seconded. Mr. Ames asked to further amend the agenda to include a discussion on public recreation. Mrs. Becker seconded Mr. Ames motion. The motion to approve the agenda adding a discussion on public recreation was approved by way of roll call 7-0. The initial motion to approve the agenda as amended by the Mayor was approved by way of roll call 7-0.

Mr. Stanford made a new motion, to further amend the amended agenda adding the consideration of an ordinance concerning the suspension of short-term rentals on Hilton Head Island. Mr. Ames seconded. The motion to further amend the amended agenda was approved by way of roll call 7-0.

5. Hilton Head Hospital Update – Jeremy Clark, CEO

Jeremy Clark, CEO of Hilton Head Regional Health, gave an update to the members of Council on the current operations of the hospital. He provided the current regular bed and ICU bed count, as well as the hospital plans for increasing those numbers. He said that they are ready for any influx of patients, and currently have a good supply of PPE.

6. New Emergency Actions by Town Council

a. Reading of Proposed Ordinance 2020-08 – Revised Emergency Towing Procedures

Reading of Proposed Ordinance 2020-08 for the purposed of enacting revised emergency towing procedures in the Town of Hilton Head Island, South Carolina, enacted in Emergency Ordinance 2020-06 on March 21, 2020.

Mr. Harkins moved to approve. Mr. Stanford seconded. Mr. Riley provided an explanation of the need for revision the current towing procedures, noting that the initial ordinance did not include the on-street parking on Burkes Beach Road. The members of Town Council had a brief discussion on this item. By way of roll call, the motion was approved by a vote of 7-0.

7. Discussion Items

a. Business License Enforcement

Mayor McCann opened the discussion asking Mr. Riley to lead the discussion. Mr. Riley noted to Council that they should have received a memo from the Town Attorney explaining the obstacles of using business license enforcement as a quick enforcement tool. Mr. Riley asked Curtis Coltrane, Town Attorney, to provide an overview on his memo sent to Council. Mr. Coltrane stated that the purpose of the memo was to outline the process involved in the Town revoking a business license. He explained the necessary attention required for due process, further explaining that the process can be very lengthy to revoke a business license. Mayor McCann opened the discussion to the members of Council, where they understood the current process, but asked that a more expeditious process be considered for future declared state of emergency matters.

b. Short-Term Rentals

Mayor McCann opened the discussion on this item, calling on each member of Council to comment. Mr. Stanford introduced and moved to approve an ordinance calling for the suspension of all short-term rentals on Hilton Head Island. Mr. Ames seconded. Mayor McCann opened the discussion to the members of Town Council. Council discussed this item collectively at length, seeking advice from Mr. Coltrane when deemed necessary. Ultimately, Council agreed that a strong statement from Council was necessary to help slow the spread of the virus. By way of roll call, the motion was approved by a vote of 7-0.

c. Public Recreation

Mayor McCann asked Mr. Ames to open the discussion on this item. Mr. Ames made a motion encouraging public recreation and exercise, by permitting parking at Crossings Park, Jarvis Creek Park, Chaplin Park, and Honey Horn with certain restrictions. Individual activities on field and parking at Chaplin Park restricted to the dog park lot only. Mr. Riley noted that Honey Horn is on a lease with the Town, and a conversation can be had with them about options to open, but the Town cannot order them to do so. Mr. Ames stated that he had a conversation with Rex, and he is in support of allowing Honey Horn to be available for the public. Mr. Harkins seconded the motion made by Mr. Ames.

c. Public Recreation Discussion (cont.)

Mayor McCann opened the discussion to the members of Town Council, who had a lengthy discussion about the matter. Some members being in favor of seeing some change allowing residents to access certain parks, and other members questioning if allowing this would be taking a step back. By way of roll call, the motion to permit parking at the parks referenced herein the discussion failed by a vote of 3-4, Mayor McCann, Mrs. Becker, Mr. Grant, and Mr. Lennox opposing.

8. Town Council Comments

Mayor McCann called on each member of Council who discussed items that were of importance to them and their constituents.

9. Executive Session

Mr. Riley stated that he had a need to enter into Executive Session for discussion on the following matters: (a) Land Acquisition: Discussion of negotiations incident to the proposed sale, lease, or purchase of property in the (i) Union Cemetery Road area; and (ii). US 278 Mid-Island area; and (b) Contractual Arrangements: Discussion of negotiations incident to proposed contractual arrangements related to the Designated Marketing Organization services.

At 3:08 p.m., Mr. Harkins moved to enter Executive Session for the reasons described by the Town Manager. Mr. Stanford seconded. By way of roll call, the motion was approved by a vote of 7-0.

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

At 3:20 p.m., Council returned from Executive Session.

Mr. Harkins moved to approve a Resolution of the Town Council of the Town of Hilton Head Island South Carolina, under the authority of S.C. Code Ann. § 28-2-10, *ET SEQ.* (Supp. 2019), authorizing condemnation of easement rights over parts of three parcels of real estate lying at the intersection of Yacht Cove Drive and U.S. Highway 278 for the public use of a project to install street lighting at the intersection. Mr. Stanford seconded. With no discussion from Council, the motion was approved by way of roll call 7-0.

11. Adjournment

With a unanimous vote, the meeting adjourned at 3:23 p.m.

**THE TOWN OF HILTON HEAD ISLAND
TOWN COUNCIL EMERGENCY MEETING MINUTES**

Date: Friday, April 10, 2020

Time: 4:00 p.m.

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Marc Grant, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*; Josh Gruber, *Assist. Town Manager*; Krista Wiedmeyer, *Exec. Assist/Town Clerk*

1. Call to Order

Due to some technical difficulties the start of the meeting was delayed. Mayor McCann called the meeting to order at 4:15p.m. By way of roll call, Mayor McCann confirmed the attendance of all members of Council.

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. Pledge of Allegiance

4. Approval of Agenda

Mr. Harkins moved to approve the agenda. Mrs. Becker seconded. With no discussion from the members of Town Council, the agenda was approved as written by a vote of 7-0.

Mayor McCann addressed Town Council, addressing the powers of local government during a declared state of emergency. He stated that while the decisions made by Council are often made from concern for public safety, this is different, and Council feels the decisions being made are in the best interest of the community. Mayor McCann also reiterated earlier statements he had made, urging visitors to not travel to the Island until it is safe to do so.

5. New Emergency Actions by Town Council

a. Consideration of Emergency Ordinance 2020-10

An Ordinance of the Town Council of the Town of Hilton Head Island, South Carolina, repealing Emergency Ordinance 2020-08 and adopting Governor Henry D. McMaster's Emergency Order 2020-19

Mr. Harkins moved to approve the proposed ordinance with the addition of the following paragraph to be inserted at the bottom of page two: *WHEREAS, the Town Council would also like to recognize and commend those businesses on the Island to include its restaurateurs, retail shops, amusement vendors, outdoor adventurers, health care workers and law enforcement officers and other such organizations that are a critical part of our local community and recognize the significant sacrifices that many of them are making in support of COVID-19 response efforts.* Mr. Grant seconded. The members of Council had a brief discussion on this item. By way of roll call, the motion to approve ordinance with the additional language was approved by a vote of 6-1, Mrs. Becker opposed.

6. Town Council Comments

Mayor McCann called on each member of Council who discussed items that were of importance to them and their constituents.

7. Adjournment

By unanimous vote, the meeting adjourned at 4:50 p.m.

DRAFT

**THE TOWN OF HILTON HEAD ISLAND
TOWN COUNCIL EMERGENCY MEETING MINUTES**

Date: Tuesday, April 21, 2020

Time: 2:00 p.m.

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Marc Grant, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*; Josh Gruber, *Assist. Town Manager*; Teri Lewis, *Deputy Director of Community Development*; Krista Wiedmeyer, *Exec. Assist/Town Clerk*

1. Call to Order

Mayor McCann called the meeting order at 2:00 p.m. By way of roll call, Mayor McCann confirmed the attendance of all members of Council. Mayor McCann said without objection, he was moving the update from Mr. Clark up after Rabbi Bloom's invocation.

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. Pledge of Allegiance

4. Invocation – Rabbi Brad Bloom, Congregation Beth Yam

By way of previously recorded video, Rabbi Brad Bloomed delivered the invocation.

5. Hilton Head Hospital Update – Jeremy Clark, CEO

Jeremy Clark, CEO of Hilton Head Regional Healthcare, provided an update on operations currently taking place at Hilton Head Hospital. Mr. Clark reported that the hospital is ready. They spent the last month preparing for a patient surge, cross training the labor pool, and managing supplies. He said that they had not seen the expected patient surge, still have adequate supply of PPE, and no staff is currently in quarantine. Mr. Clark also said that the ER is open and taking the necessary precautions to protect patients seeking emergency help.

6. Approval of Agenda

Mr. Ames moved to amend the agenda, removing the two items related to amendments to the LMO. Mr. Stanford seconded. The members of Council had a brief discussion on this item. By way of roll call, the motion to amend the agenda was approved by a vote of 5-2, Mayor McCann and Mrs. Becker opposing.

Mr. Stanford moved to amend the amended agenda, adding an additional item, the discussion and consideration of a resolution urging and encouraging the public to wear face masks when shopping in retail establishments. Mr. Harkins seconded. The members of Council had a brief discussion on this item. By way of roll call, the motion to amend the amended agenda was approved by a vote of 7-0.

7. Town Business

a. Consideration of a Resolution Affirming Beach Access and Town Parks Closure until April 30, 2020

Consideration of a Resolution of the Town of Hilton Head Island, South Carolina, maintaining closures of Town Beach Parking Areas and Public Parks until April 30, 2020 and providing guidance on the types of appropriate activities that can occur in these areas once they have been reopened to public use.

Mr. Harkins moved to amend the proposed resolution, removing language concerning plans for reopening access public beaches and parks, and adding language for Council to reassess the matter at a Special Meeting of Town Council on Tuesday, April 28, 2020, at 2:00 p.m. Mr. Stanford seconded. The members of Council had a brief discussion on this item. By way of roll call, the motion was approved by a vote of 7-0.

b. Discussion and Consideration of a Resolution urging and encouraging citizens to wear face masks when shopping in retail establishments.

Mr. Stanford introduced and read the proposed resolution, moving to approve. Mr. Harkins seconded. The members of Council had a brief discussion on this item. By way of roll call, the motion was approved by a vote of 7-0.

8. Discussion Items

Mayor McCann called on each member of Council who discussed items that were of importance to them and their constituents.

9. Executive Session

a. Personnel Matters Regarding Town Council Appointments of Boards, Committees, and Commissions

Mr. Riley stated that he had a need to enter Executive Session for a discussion on personnel matters regarding Town Council appointments of Boards, Committees, and Commissions.

At 2:51 Mr. Harkins moved to enter Executive Session for the matter described by Mr. Riley. Mr. Ames seconded. By way of roll call, the motion was approved by a vote of 7-0.

10. Possible action by Town Council concerning matters discussed in Executive Session

11. Adjournment

Council returned from Executive Session, and by unanimous vote, the meeting adjourned at 3:25 p.m.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
FROM: Shawn Colin, AICP, *Director of Community Development*
CC: Joshua Gruber, *Assistant Town Manager*
Charles Cousins, *Assistant to the Town Manager*
DATE: April 27, 2020
SUBJECT: Recovery Plan Briefing

The Town of Hilton Head Island has a Disaster Recovery Plan (Recovery Plan) which was most recently updated and adopted on June 3, 2019. The purpose of the Disaster Recovery Plan is to provide a framework for delivery of coordinated recovery assistance to the citizens of the Town of Hilton Head Island. This plan, including its supporting functions, are used to assist the Town in recovery from a disastrous event, whether it is from a locally declared, state declared, or presidentially declared disaster. The intent of this plan is to return the Town to pre-disaster conditions as soon as possible.

The Recovery Plan is designed to supplement the Town's Emergency Operations Plan - Basic Plan (EOP - Basic Plan), and identify departments and agencies to provide assistance to disaster victims in conjunction with Federal, State, and County governments and coordinate emergency recovery activities. It's meant to guide local officials in coordinating and implementing successful short-term and long-term recovery activities following a natural or man-made disaster.

The following short-term objectives from the plan have been achieved:

Short Term Recovery Objectives

- Implement continuity of government procedures.
- Assist with establishing any temporary facilities/structures needed for Town operations or County, State and Federal operations.
- Short-term public information/community relations activities.

The following long-term recovery activities from the plan are being evaluated for implementation:

Long Term Recovery Objectives

- Initiate long-term recovery public information/community relations activities.
- Communicate with Business Restoration Coordinator to support business industry in commercial re-openings and other economic stability needs.
 - *Business Restoration Plan* – The Town has drafted a Business Restoration Plan, outlining resources and opportunities with partnership organizations that may be

useful to the community. This resource will be supplemented by the work currently underway by the Hilton Head-Bluffton Chamber of Commerce on a “Path Forward Readiness Plan”. These resources should be made available in the near future.

- Re-establish Town Hall for return to normal operations.
 - Procedures and Protocols to consider for Reopening Town Buildings – Staff continues to evaluate best practices and mitigation measures for consideration at Town Hall and other offices. These procedures and protocols include strategies for the protection of employees that continue to provide essential functions within Town buildings; strategies to begin allowing limited public; and, strategies to resume meetings of key Standing Board/Commission meetings, including the Design Review Board, Planning Commission and the Board of Zoning Appeals using a virtual platform in May.

Finally, the transition from pre-event to post-event activities is less clear for this current event than recent hurricanes the Town has experienced. There will likely be an extended period of overlap between Emergency and Recovery operations. It’s likely that near-term decisions will be necessary to react and respond to additional actions by the State and federal authorities. The Recovery Team will continue to develop information to support these decisions while developing mid-term and long-term strategies aimed at restoring the community.

TOWN OF HILTON HEAD ISLAND

To: Town Council

Date: April 27, 2020

Re: SC Department of Health and Environmental Control COVID-19 Data

To access current and up to date COVID-19 data, please visit the links listed below.

Town of Hilton Head Island – COVID-19 HUB: <https://covid-19-hiltonhead.hub.arcgis.com>

- ❖ Daily case count zip code count in 29926 and 29928
- ❖ Daily total case county for Beaufort County
- ❖ Hospital bed capacity for Beaufort County

DHEC Hospital Bed Capacity Report: <https://www.scdhec.gov/infectious-diseases/viruses/coronavirus-disease-2019-covid-19/hospital-bed-capacity-covid-19>

- ❖ Bed capacity by Region
- ❖ Bed capacity for Beaufort County (hover the mouse over Beaufort County on the map for specific Beaufort County information)

DHEC SC Cases by County & Zip Code: <https://www.scdhec.gov/infectious-diseases/viruses/coronavirus-disease-2019-covid-19/sc-cases-county-zip-code-covid-19>

- ❖ On the map **click** on Beaufort County and it will only display information for Beaufort County
- ❖ Reported cases
- ❖ Estimated cases
- ❖ Total possible cases

DHEC Testing Data & Projections: <https://www.scdhec.gov/infectious-diseases/viruses/coronavirus-disease-2019-covid-19/sc-testing-data-projections-covid-19>

- ❖ Testing statewide
- ❖ Daily cases reported
- ❖ Projection data



TOWN OF HILTON HEAD ISLAND

Executive Department

TO: Town Council
DATE: April 24, 2020
SUBJECT: Consideration of Amendments to Existing Emergency Closure
of Public Beach and Park Access

At the April 21, 2020, Emergency Town Council Meeting, Council approved Resolution 2020-08, maintaining the closure of public beach park and Town-owned park access. Resolution 2020-08 required Council to reconvene on Tuesday, April 28, 2020 at 2:00 p.m. to discuss further actions related to the closer public beach park and Town-owned park access.

RESOLUTION #: 2020-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, MAINTAINING CLOSURES OF TOWN BEACH PARKING AREAS AND PUBLIC PARKS UNTIL APRIL 30, 2020 AND PROVIDING FOR GUIDANCE ON THE TYPES OF APPROPRIATE ACTIVITIES THAT CAN OCCUR IN THESE AREAS ONCE THEY HAVE BEEN REOPENED TO PUBLIC USE

WHEREAS, On March 16, 2020, our Mayor, under the authority of § 7-7-20, *Municipal Code of the Town of Hilton Head Island* (1983), declared that a State of Emergency exists throughout the Town as a result of impacts arising from the COVID-19 pandemic; and

WHEREAS, on March 30, 2020 Governor of South Carolina Henry McMaster issued Executive Order 2020-16 and by which he declared that “any and all public beach access points, to include any adjacent or associated public parking lots or facilities, shall be closed to public access for recreational activities for the duration of the State of Emergency”; and

WHEREAS, on March 30, 2020 the Town Council for Hilton Head Island adopted Resolution 2020-06 which closed all Town owned parking lots through April 30, 2020; and

WHEREAS, on April 20, 2020 Governor McMaster issued Executive Order 2020-28 delegated extraordinary emergency powers to local governments to combat the spread COVID-19 which include the ability to continue to regulate areas of public property within the Town to include public beach access points; and

WHEREAS, it is in the best interest of the Town that this declaration be considered and approved by the Town Council, and that it be put into effect; and

WHEREAS, the Mayor is authorized by § 7-7-20, *Municipal Code of the Town of Hilton Head Island* (1983), to impose additional restrictions as may be necessary to appropriately respond to the State of Emergency; and

NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AS FOLLOWS:

1. The parking lots for all Town owned parks and beach accesses will remain closed through April 30, 2020. The park areas, beaches accesses, and beach access amenities such as restrooms will remain closed through April 30, 2020. This prohibition shall also include all public parking spaces on Burkes Beach Road which are declared to be closed through April 30, 2020.
2. All private property owners’ associations and private clubs are urged to continue their voluntarily closure of any parking lots that facilitate beach access through April 30, 2020.
3. The Town Council will conduct a Special Meeting on April 28th at 2:00 PM to revisit these restrictions and will also review the status of existing public health conditions.

MOVED, APPROVED, AND ADOPTED THIS 21st DAY OF April, 2020.

John J. McCann, Mayor

ATTEST:

By: _____
Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: William Harkins



TOWN OF HILTON HEAD ISLAND

Public Projects and Facilities Management Department

TO: Stephen G. Riley, ICMA-CM, Town Manager
FROM: Scott Liggett, PE, Dir. of Public Projects & Facilities / Chief Engineer
COPY: Julian Walls, Facilities Manager
DATE: April 24, 2020
SUBJECT: Restoration of accessibility and services at Town park properties

Recommendation:

In accordance with the attached framework, should the Town begin reopening our park properties May 1, 2020, staff recommends access first be restored (parking lots opened) at our seven (7) beach parks.

Access is being restored for the stated purpose of active use of the beach. Activities that are encouraged include: running, walking, dog-walking, biking, surfing, fishing (where authorized) and other recreational activities that are consistent with proper social distancing practices.

Activities that are discouraged include: sunbathing (to include either use of towels or chairs), loitering without moving, setting up tents or other structures, use of coolers, and any other activities that are inconsistent with social distancing.

Further, staff recommends that bathrooms, playgrounds and picnic shelters at the beach parks, remain closed.

Staff is prepared to make subsequent related recommendations regarding the Town's beach and recreational parks at the next Town Council meeting.

Summary:

The attached framework represents a progressive expansion in the reopening of Town recreational facilities and the restoration of services provided at each. As indicated, and with hopeful anticipation, it represents a 30 day period over which full access and Town services would be restored, starting with our beach parks. Programming and special events at Town Facilities remain cancelled. Adherence to relevant South Carolina Department of Health and Environmental Control or Center for Disease Control guidelines is expected in any scenario.

Installing and maintaining barricades to lessen the number of vehicles which can be parked in the otherwise "open" beach lots is not viable due to the equipment, staffing and enforcement pressures which would necessarily be created.

The progressive approach, as opposed to opening all facilities simultaneously, allows staff to best respond to service requests and manage the cleaning contracts of the bathrooms in particular. Staff standards and public expectation for cleanliness will undoubtedly be high once facilities re-open. Not opening all bathrooms at once will allow us to gauge use and best satisfy these standards and expectations and execute treatment protocols which may be expanded to other locations subsequently opened.

Background:

Actions taken to date as a result of the COVID-19 response caused the temporary closure of all Town recreational properties. Restoration of both access and services provided by the Town as quickly as is safely possible is desired.

May 1, at all beach parks - restoration of beach access (opening parking lots only at beach parks for the purpose of active use of the beach), 8:30 AM to 6:00 PM. Keypoints:

- Bathrooms, playgrounds, picnic shelters remain closed
- Beach Pass required for non metered spaces at Islanders', all other locations free parking
- Staff and contracted security present at Islanders' Beach Park to guide/monitor (9 AM – 3 PM)
- Contracted security present at Coligny to guide/monitor (10 AM-3 PM)
- Shore Beach Services – 3 zone supervisors present, (9 AM - 5PM), 1 on stand-by (5 PM - 9PM)
- No static lifeguards (7-9 on roving patrol, which would include coverage at Town beach accesses)
- No beach equipment rental
- Restoration of trash and recycling pick-up and removal, entire beach
- All recreational parks remain closed, target the next Town Council meeting to discuss recreational parks as described below.

May 15, open bathrooms at beach parks (playgrounds and shelters remain closed), reinstitute parking fees. Regular beach park hours restored, sunrise to sunset. Restore access to:

- Shelter Cove Park (lawn only)
- Chaplin Community Park (fields only open for active use, tennis and dog park closed)
- Barker Field Extension open for active use (bathroom closed)
- Crossings Park meadow only open for active use
- Sailing and Rowing Center dock and kayak launch only (bathroom closed)
- Compass Rose Park
- Prior to May 15, Shore Beach to reassess establishment of static guard stations and equipment rental
- All playgrounds, shelters and bathrooms at recreational parks remain closed.
- Jarvis Creek Park, Green Shell Park, Hilton Head Park and Cordillo Tennis remain closed.

June 1 – hopeful that all facilities at all locations are open, full restoration of access and services including:

- Jarvis Creek Park
- Green Shell Park
- Hilton Head Park
- Cordillo Tennis

Coastal Discovery Museum at Honey Horn and Mitchelville Freedom Park operated via lease arrangement.

No special events through May 31, cancel Memorial Day Celebration at Veterans' Park



TOWN OF HILTON HEAD ISLAND

Executive Department

TO: Town Council
DATE: April 24, 2020
SUBJECT: Amendments to Existing Emergency Ordinance Regulating Parking and Towing of Vehicles

At the April 7, 2020 Emergency Town Council meeting, Council approved Emergency Ordinance 2020-07 related to the towing of unlawfully parked vehicles during the declared State of Emergency. Emergency Ordinance 2020-07 will expire on the sixty first day following adoption; or the expiration of the State of Emergency declaration dated March 16, 2020.

Proposed Emergency Ordinance: 2020-08 Emergency Ordinance 2020-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE PURPOSE OF ENACTING REVISED EMERGENCY TOWING PROCEDURES IN THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ENACTED IN EMERGENCY ORDINANCE 2020-06 ON MARCH 21, 2020

WHEREAS, On March 16, 2020, Mayor John J. McCann,, under the authority of § 7-7-20, *Municipal Code of the Town of Hilton Head Island* (1983), declared a State of Emergency throughout the Town arising from the COVID-19 pandemic; and,

WHEREAS, the Town Council ratified and approved the Mayor's declaration by public vote on Tuesday, March 17, 2020; and,

WHEREAS, on March 21, 2020, the Town adopted Emergency Ordinance 2020-06, prohibiting the parking of vehicles within the right of way of any public road within the municipal limits of The Town of Hilton Head Island, South Carolina , and

WHEREAS, the Town has determined that during the State of Emergency, it is in the best interests of the Town and its citizens and residents to prohibit the parking of any vehicle in any public right of way within the municipal limits of the Town, in any Town owned parking lot, Town owned Beach Access parking area, in any designated and marked parking space on any public road, and on any Town owned property; and,

WHEREAS, the Town Council has the authority to adopt emergency ordinances under S. C. Code Ann. § 5-7-250(d)(Supp. 2019); and,

WHEREAS, the Town has determined that the removal of any illegally parked vehicles will facilitate the continuity of emergency and other services and serve the public welfare, and

WHEREAS, it is in the best interest of the Town that this emergency ordinance be

considered and adopted by the Town Council, and that it be put into effect immediately and

NOW, THEREFORE, BE IT, AND IT HEREBY IS, ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL, AND S. C. CODE ANN. § 5-7-250(D)(SUPP. 2019), AS FOLLOWS:

1. This Emergency Ordinance replaces Emergency Ordinance 2020-06, dated March 21, 2020.

2. The parking of any vehicle in:

- (a) the right of way of any public road within the municipal limits of The Town of Hilton Head Island, South Carolina; or,
- (b) any Town owned parking lot; or,
- (c) any Town owned Beach Access parking area
- (d) any designated and marked parking space on any public road; or,
- (e) any Town owned property, including but not limited to, entrance or access roads to Town parks, open space, power line or utility easement areas,

is declared unlawful and is prohibited.

3. The following are exempted from the Ordinance:

- (a) Beaufort County Sheriff's Department vehicles;
- (b) Town Fire Department, EMS and other official vehicles;
- (c) vehicles in the parking lot of Town Hall, Town Fire Stations, or Town Facilities Management Offices, or parked by Town Officials or Town Employees in furtherance of official Town activities or Town work; and,

(d) vehicles of any utility provider while engaged in installation, repair or maintenance of utilities.

4. Any vehicle parked in violation of this Ordinance is hereby declared to be a public nuisance.

5. The Town Manager or his designee may cause the removal of any vehicle that is parked in violation of this Ordinance, to a storage area and that any and all costs associated with the removal and storage of any such vehicle shall be the personal obligation of the owner of the vehicle.

6. To the extent that any this Ordinance conflicts with any term of the Municipal Code of the Town of Hilton Head Island, including but not limited to, §§ 12-1-411 through 416, this Ordinance shall control.

7. This Emergency Ordinance becomes effective immediately upon adoption by two thirds ($\frac{2}{3}$) affirmative vote of the Town Council for The Town of Hilton Head Island, South Carolina, and will expire upon the first of the following to occur:

(a) the sixty first day following adoption; or,

(b) the expiration of the State of Emergency declaration dated March 16, 2020.

8. The Town Manager shall immediately cause this Ordinance to be posted on the Town of Hilton Head Island website, and copies of it shall be distributed to all parties on the Town's "News Media List."

MOVED, APPROVED, AND ADOPTED THIS 7th DAY OF APRIL, 2020.

John J. McCann, Mayor

ATTEST:

By: _____
Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM:



Curtis L. Coltrane

Introduced by Council Member: William Harkins

Read and Adopted on: April 7, 2020.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.: 2020-___

PROPOSED ORDINANCE NO. 2020-11

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTIONS 12-3-211, 12-3-412, 12-3-413 AND 12-5-112, AND BY ADDING SECTION 12-3-213, AND BY DELETING SECTION 12-3-411, TO DECLARE CERTAIN ACTIVITIES RELATED TO THE PARKING OF VEHICLES TO BE UNLAWFUL, TO DECLARE UNLAWFULLY PARKED VEHICLES TO BE A PUBLIC NUISANCE, TO PROVIDE FOR THE TOWING OF VEHICLES THAT ARE FOUND TO BE A PUBLIC NUISANCE; PROVIDING FOR EXEMPTIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Hilton Head Island provides public parking at numerous parks, beach access points, and other areas of Town-owned property at various locations all around the Town; and

WHEREAS, in order to ensure that there is maximum availability of public parking at these locations the Town regulates the parking on these properties by various means to include striped parking spots, metered parking spots, or parking by permit holders only; and

WHEREAS, when individuals park in contravention to conspicuously posted signage regulating the parking of vehicles on such properties or on any public right of way within the Town such actions are detrimental to the public good and shall constitute a violation of Town parking regulations thereby subjecting the vehicle to be immediately towed by a commercial towing service.

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 TOWN COUNCIL THAT THE FOLLOWING SECTIONS OF TOWN CODE SHALL BE AMENDED:

Underlined and bold-face typed text indicates additions to the Municipal Code of the Town of Hilton Head Island, South Carolina. Stricken text indicates deletions from the Municipal Code of the Town of Hilton Head Island, South Carolina.

Section 1. Chapters 3, 4 and 5 of Title 12 of the Municipal Code of the Town of Hilton Head Island, South Carolina, are hereby amended as follows:

~~Sec. 12-3-211. Parking In Violation of Town Signs.~~

- ~~(a) When signs are erected giving notice of no parking or other parking restrictions, no persons shall park his vehicle at any time upon any of the vehicular ways or portions thereof so designated.~~
- ~~(b) When time limits are designated in signs, no person shall park a vehicle upon a vehicular way or portion thereof between the hours so designated on any day, of or longer than the period and between the hours designated.~~
- ~~(c) When yellow lines or markings are painted, or otherwise affixed to the curbs, or appear upon any vehicular way or portion of the same, giving notice thereof, no person shall park at any time upon any of the vehicular ways or portions thereof so designated.~~

Sec. 12-3-211. - Parking in violation of Posted or Marked Restrictions Declared Unlawful.

- (a) It is unlawful to park any vehicle in any area where the Town, County or State has placed “no parking” or similar signs.**
- (b) It is unlawful to park any vehicle that does not have the appropriate permit displayed on or in it in any parking space where the Town has placed “permit holder only parking,” “handicap parking” or similar signs.**
- (c) It is unlawful to park any vehicle at any time along, in or upon any area in violation of any other parking restrictions posted or placed by the Town, County or State including restrictions related to time limits for parking in any area.**
- (d) It is unlawful to park any vehicle in any metered parking space in the municipal limits of the Town other than in strict compliance with the requirements of Title 12, Chapter 3, Article 1 of the Municipal Code of the Town of Hilton Head Island.**
- (e) It is unlawful to park any vehicle in any metered or un-metered space in any Town parking lot or in any metered or un-metered public parking space in any public right of way within the municipal limits of the Town overnight.**
- (f) When the Town has painted yellow lines or applied any other markings to curbs or pavement, including fire lanes, or has otherwise affixed any other markings to curbs or pavement, along**

or upon any right of way, vehicular way or any portion of the same, giving notice that parking is prohibited or restricted in any way in or along the painted or marked area thereof, it is unlawful to park in any vehicle in violation of the restrictions.

- (g) **It is unlawful to park any vehicle within the right of way of any public road within the municipal limits of the Town of Hilton Head Island, South Carolina; provided, however, that parking a vehicle in any Town designated, defined and marked parking space existing in a public road right of way within the municipal limits of the Town of Hilton Head Island, South Carolina, is permitted in accordance with any posted restrictions or limitations placed by the Town.**
- (h) **It is unlawful to park any vehicle in any public beach access other than in a defined, marked parking space.**
- (i) **It is unlawful to park any vehicle on or in Town owned entrance or access roads to Town parks, open space, or on any power line or utility easement areas.**

Sec. 12-3-213. Exemptions.

The following are exempted from the restrictions in Sec. 12-3-211 of the Municipal Code of The Town of Hilton Head Island, South Carolina:

- (a) **Beaufort County Sheriff's Office vehicles;**
- (b) **Town of Hilton Head Island Fire Department, EMS and other official vehicles;**
- (c) **vehicles of any utility provider while engaged in installation, repair or maintenance of utilities.**

~~Sec. 12-3-411. Parking in public beach access areas.~~

~~It shall be unlawful for any person to park in, or otherwise obstruct, any public or residential accessway to the beach. Whenever any law officer or authorized agent of the town shall find such access obstructed by a vehicle, such officer or agent shall:~~

- ~~(1) Issue a citation against the owner or lessee of the vehicle and affix the citation to the vehicle. The registered owner or lessee of a vehicle found in violation shall be held prima facie responsible for any such violation.~~
- ~~(2) Have the authority to impound the vehicle by giving authorization to a commercial towing or wrecker service to tow the vehicle away and store in a safe place until claimed by the owner or lessee, or by immobilizing it in such a manner as to prevent its operation, e.g., Denver boot.~~

~~Sec. 12-3-412. Parked Vehicles As Public Nuisance.~~

~~Any vehicle parked continuously in any metered parking space for twenty four hours or more or parked on any street or other public property, whether in an authorized or unauthorized zone, which is found to be the subject of Fifty (\$50.00) Dollars or more of past due on outstanding bonds under the town parking ordinance is hereby declared to be a public nuisance.~~

Sec. 12-3-412. Parked Vehicles as Public Nuisance.

- (a) **Any vehicle parked in violation of any term or subsection of Sec. 12-3-211 of the Municipal Code of The Town of Hilton Head Island, South Carolina, is hereby declared to be a public nuisance.**

Sec. 12-3-413. Towing and Impounding and Immobilizing Vehicles Authorized.

Any vehicle identified as a public nuisance **under Sec. 12-3-412 of The Municipal Code of The Town of Hilton Head Island, South Carolina,** may be impounded by the Town by giving authorization to a commercial towing or wrecker service to tow the vehicle away and store **it** in a safe place until claimed by the owner or by immobilizing it in such a manner as to prevent its operation. **Storage of any towed vehicle by a towing or wrecker company must be in a secure lot in or within twenty-five (25) miles of the municipal limits of the Town.**

~~(1) — Immobilization shall be at the direction of an officer of the law or authorized agent of the town charged with such responsibility.~~

~~(2) — Upon immobilization, the officer or agent shall place upon the vehicle a notice sufficient to warn the owner or driver that the vehicle has been immobilized and any attempt to move or drive it may result in damage; such notice shall also inform the owner or driver of the reason for immobilization and the amount of the outstanding bonds then due.~~

~~(3) — Immobilization shall remain in place for twenty four (24) hours unless sooner released in accordance with section 12-3-414. If compliance with section 12-3-414 has not occurred within twenty four (24) hours, the vehicle shall be towed and impounded.~~

~~(4) — The owner of the vehicle immobilized or towed shall have the right to be heard on the validity of the action taken by the town if a hearing is requested in writing within fifteen (15) days of immobilization. Such hearing shall be in municipal court.~~

~~(5) — The owner of an immobilized vehicle shall be subject to a fee of fifty dollars (\$50.00) for the immobilization, which fee shall be exclusive of any bonds posted, fines imposed, or storage costs assessed.~~

Sec. 12-5-112. - Special requirements.

- (a) Each wrecker shall display the owner or company name and business telephone number in at minimum two-inch high letters on both vehicle doors. Temporary lettering, magnetic or otherwise, is strictly prohibited.
- (b) ~~Each wrecker business which participates in nonconsensual towing and stores towed vehicles shall have a storage lot in the Town of Hilton Head Island and shall store all nonconsensually towed vehicles from within the town in this lot.~~ It shall be the responsibility of the wrecker business for ensuring that stored vehicles and their contents are kept safe from pilferage, **damage** and theft. These requirements are in addition to any other applicable zoning requirements.
- (c) At any time a vehicle is in the custody of the tow truck company, the tow truck company will permit the owner of personal property located within, but not attached to, the vehicle to remove such personal property from the vehicle without charge and without regard to any towing or storage charge owed on the vehicle. If the tow truck company has removed personal property from the vehicle, it will return it to the vehicle owner when requested without charge and without regard to any towing or storage charge owed on the vehicle. Should the tow truck operator or storage lot attendant have reasonable belief that such requested property constitutes contraband or other item(s), possession of which is unlawful, notification will be given to the appropriate law enforcement agency prior to release of the property.

Sec. 12-5-114. Maximum towing and storage charges.

- (a) The attached (Appendix A) schedule of fees shall be adhered to in establishing the maximum fee that can be charged for a nonconsensual tow and storage of towed vehicles, except as otherwise provided by an authorized governmental agency having competent jurisdiction. These fee limitations shall not apply when the owner/operator of a towed vehicle makes special arrangements with a wrecker service of his/her own choosing. These fees may be exclusive or cumulative in nature dependent upon the circumstances involved in the call for service. ~~Payment of towing or storage fees shall be permitted to be made by cash or credit card.~~
- (b) The schedule of fees shall be reviewed by the town manager on a regular basis. Adjustment of fees may be accomplished in the discretion of the town manager in the event of any significant change in economic conditions affecting the towing industry, e.g., cost of fuel.
- (c) Storage fees will not begin until twenty-four (24) hours after the motor vehicle has entered into the business's storage lot. Thereafter, storage fees shall accrue on a per day basis for anyone (1) day or portion thereof.
- (d) Each business engaged in nonconsensual (without the prior consent or authorization of the owner or operator of the vehicle) towing will post, in a prominent place, a placard which references this section and clearly identifies the

- current schedule of fees. Said placard will be no less than twelve (12) by eighteen (18) inches and clearly visible to vehicle owners who will be paying a towing bill.
- (e) Each vehicle owner will be given an itemized invoice or receipt for the bill they have paid which details all charges that have been applied to the bill.

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 adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2020.

By: _____
John J. McCann, Mayor

ATTEST:

By: _____
Krista M. Wiedmeyer, Town Clerk

First Reading: _____, 2020

Revised First Reading _____, 2020

Second Reading: _____, 2020

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____