



Town of Hilton Head Island
TOWN COUNCIL MEETING
Tuesday, February 21, 2023, 3:00 PM
AGENDA

The Town Council meeting will be held in-person at Town Hall in the Benjamin M. Racusin Council Chambers. The meeting can be viewed on the [Town's Public Meetings Facebook](#) page, the [Beaufort County Channel](#), and Spectrum Channel 1304.

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. **Roll Call**
4. **Pledge to the Flag**
5. **Invocation – Reverend General Hay – First Historic African Baptist Church**
6. **Approval of the Minutes**
 - a. Regular Meeting – January 17, 2023
7. **Report of the Town Manager**
 - a. Items of Interest
 - b. Design Review Board Biannual Update – Cathy Foss, Chair
 - c. Workforce Housing Program Monthly Update – Missy Luick, Community Planning Manager
 - d. Office of Cultural Affairs Quarterly Update – Natalie Harvey, Director of Cultural Affairs
8. **Reports of the Members of Town Council**
 - a. General Reports from Town Council
 - b. Report of the Lowcountry Area Transportation Study – Glenn Stanford
 - c. Report of the Lowcountry Council of Governments – Tammy Becker
 - d. Report of the Beaufort County Airports Board – David Ames
 - e. Report of the Southern Lowcountry Regional Board – Glenn Stanford
 - f. Report of the Island Recreation Association Board – Alex Brown
 - g. Report of the Community Services and Public Safety Committee – Tammy Becker
 - h. Report of the Public Planning Committee – David Ames
 - i. Report of the Finance and Administrative Committee – Alex Brown
9. **Appearance by Citizens:** Citizens who wish to address Town Council may do so by contacting the Town Clerk no later than 12:00 p.m. the day of the meeting. Written comments concerning items on the agenda may be submitted at the [Open Town Hall Portal](#).

10. Consent Agenda

- a. Second Reading of Proposed Ordinance 2023-02 Amending Section 2-5-10 of the Municipal Code for the Town of Hilton Head Island Related to the Date, Time, and Place of a Regularly Scheduled Town Council Meeting
- b. Second Reading of Proposed Ordinance 2023-03 Amending the Municipal Budget for the Town of Hilton Head Island for the Fiscal Year Budget Ending June 30, 2023
- c. Second Reading of Proposed Ordinance 2023-05 Authorizing the Execution of a Deed Conveying a Portion of Real Property Owned by the Town of Hilton Head Island Located at 137 Squire Pope Road
- d. Second Reading of Proposed Ordinance 2023-06 Amending Sections 16-3-103.C, 16-3-104.B, 16-3-104.C, 16-3-104.D, 16-3-104.E, 16-3-104.F, 16-3-104.G, 16-3-105.C, 16-3-105.D, 16-3-105.E, 16-3-105.F, 16-3-105.G, 16-3-105.H, 16-3-105.J, 16-3-105.M, 16-3-105.N, 16-5-102.C, 16-5-102.D, 16-5-103.E, 16-5-103.F, 16-5-105.J, 16-5-107.D, 16-5-109.D, 16-5-115.C, 16-6-102.D, 16-6-104.G AND 16-10-102.C of Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance

11. Unfinished Business

- a. Consideration of the Calendar Year 2023 Accommodations Tax Supplemental Grant Request from the Town of Hilton Head Island's Destination Marketing Organization

12. New Business

- a. Consideration of a Resolution Authorizing the Creation of the William Hilton Parkway Gateway Corridor Independent Review Advisory Committee

13. Executive Session

- a. Discussion of Negotiations Incident to Proposed Contractual Arrangements [pursuant to South Carolina Freedom of Information Act Section 30-4-70(a)(2)] Concerning Northpoint Public-Private Partnership Workforce Housing Project
- b. Discussion of Negotiations Incident to the Proposed Sale or Purchase of Property [pursuant to South Carolina Freedom of Information Act Section 30-4-70(a)(2)] in the Jonesville Road Area
- c. Receipt of Legal Advice from the Town Attorney on Matters Covered Under Attorney-Client Privilege [pursuant to South Carolina Freedom of Information Act Section 30-4-70(a)(2)] Concerning:
 - i. Mitchelville Road Right of Way Acquisition
 - ii. Main Street Right of Way Acquisition
 - iii. Mount Calvary Missionary Baptist Church of Hilton Head Island, et al vs. Town of Hilton Head Island, et al

14. Possible Action by Town Council Concerning Matters Discussed in Executive Session

15. Adjournment



Town of Hilton Head Island
TOWN COUNCIL WORKSHOP
Tuesday, January 17, 2023, 3:00 PM
MINUTES

Present from Town Council: Alan Perry, *Mayor*; David Ames, *Mayor Pro-Tempore*; Alex Brown, Patsy Brison, Tamara Becker, Steve Alfred, Glenn Stanford, *Town Council Members*

Present from Town Staff: Marc Orlando, *Town Manager*; Josh Gruber, *Deputy Town Manager*, Angie Stone, *Assistant Town Manager*; Shawn Colin, *Assistant Town Manager-Community Development*; Ben Brown, *Sr. Advisor to the Town Manager*; Chris Blankenship, *Fire Chief*; Bob Bromage, *Director of Public Safety*; John Troyer, *Director of Finance*; Kelly Spinella, *Communications & Marketing Administrator*; Missy Luick, *Assistant Community Development Director*; Krista Wiedmeyer, *Town Clerk*

1. Call to Order

Mayor Perry called the meeting to order at 3:00 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.

Compliance with the Freedom of Information Act was confirmed by the Town Clerk.

3. Roll Call

Attendance was confirmed by way of roll call.

4. Pledge to the Flag

5. Invocation – Senior Pastor Nathan Futrell – Central Church Hilton Head Island

Pastor Futrell delivered the invocation.

6. Approval of the Minutes

- a. Regular Meeting – December 6, 2022
- b. Workshop – January 3, 2023

Mr. Ames moved to approve the minutes. Mr. Alfred seconded. Motion carried 7-0.

7. Report of the Town Manager

a. Items of Interest

Mr. Orlando reported that Town Council would hold a two-day workshop for strategic planning on January 24 and 25.

b. Town of Hilton Head Island Financial Audit Presentation for Fiscal Year Ending June 30, 2022 from Greene Finney Cauley – Larry Finney, Partner

Mr. Finney with Greene Finney Cauley delivered a presentation regarding the Town of Hilton Head Island financial audit for Fiscal Year ending June 30, 2022.

c. Update on the Independent End-to-End Analysis and Simulation of the William Hilton Parkway Gateway Corridor – Shawn Colin, Assistant Town Manager – Community Development

Mr. Colin delivered a brief report on the Independent End-to-End Analysis and Simulation of the William Hilton Parkway Gateway Corridor. Upon the conclusion of his report, Town Council provided feedback, directing the Town Manager and staff to procure an independent review using the current scope. Town Council also requested that a committee be created to include, one member of Town Council, one citizen traffic engineer, and one Native Islander to review and advise Town Council on the independent review.

d. Gullah Geechee Historic Neighborhoods Community Development Corporation Board of Directors Update – Josh Gruber, Deputy Town Manager

Mr. Gruber delivered a brief update on the status of the Gullah Geechee Historic Neighborhoods Community Development Board of Directors. He reported that the recruitment of board members has kicked off and applications are coming in. Mr. Gruber also reported that the recruitment for the Executive Director would begin in the coming weeks.

e. Workforce Housing Program Monthly Update – Missy Luick, Assistant Community Development Director

Ms. Luick delivered an update on the Workforce Housing Program. She reported that recruitment has started for the Workforce Housing Manager role. Ms. Luick also reported that the Town is under contract with a consultant to begin implementation. She indicated that a committee for the program was planned for creation in the first quarter.

f. Northpoint Public-Private Partnership Workforce Housing Project Update – Ben Brown, Senior Advisor to the Town Manager

Mr. Brown delivered an update on the Northpoint Public-Private Partnership project, noting that the committee had reviewed the proposals and qualifications of seven companies. He said contract negotiations are in the works and future updates would be forthcoming.

8. Reports of the Members of Town Council

a. General Reports from Town Council

No reports.

b. Report of the Lowcountry Area Transportation Study – Glenn Stanford

Mr. Stanford stated he did not have a report.

c. Report of the Lowcountry Council of Governments – Tammy Becker

Ms. Becker stated she did not have a report.

d. Report of the Beaufort County Airports Board – David Ames

Mr. Ames stated he did not have a report.

e. Report of the Island Recreation Association Board – Alex Brown

Mr. Brown stated he did not have a report.

f. Report of the Community Services and Public Safety Committee – Tammy Becker

Ms. Becker stated the next committee meeting would take place on January 23.

g. Report of the Public Planning Committee – David Ames

No report.

h. Report of the Finance and Administrative Committee – Alex Brown

Mr. Brown reported that the committee met earlier in the day where they reviewed and approved the proposed meeting dates, changing the start time of the meetings to 1:00 p.m. He also reported that the committee reviewed the proposed Small and Minority-Owned Business Utilization Program. Mr. Brown said that the committee provided feedback to staff, requesting that the updates be incorporated and brought back to the next meeting.

9. Appearance by Citizens

Skip Hoagland: addressed Town Council on matters concerning the Town and Chamber.

Steve Baer: addressed Town Council on matters concerning the William Hilton Parkway project.

Peter Kristian: addressed Town Council on matters concerning the solid waste and recycling program.

Daniel Anthony: addressed Town Council on matters concerning the development in the Jonesville Road area.

10. New Business

a. Mayoral Appointment to the Southern Lowcountry Regional Board

Mayor Perry appointed Mr. Stanford to serve on the Southern Lowcountry Regional Board as the Town Council representative for the Town. He also noted that he would also be serving on the board in his role as Mayor.

b. First Reading of Proposed Ordinance 2023-01 Updating the Local Comprehensive Beach Management Plan for the Town of Hilton Head Island Pursuant to the Requirements of the South Carolina Beachfront Management Act

Mr. Colin delivered a presentation concerning this matter to Town Council, reviewing the plan and the statutory requirements to update the plan every five years. He also discussed the process and plans for beach renourishment, noting that currently the Town is on track for 2025. Upon the conclusion of his presentation, he answered various questions from Town Council. Ms. Becker stated that she was uncomfortable with the language in the plan about parking, noting that she had asked about this in committee and was expecting it would be updated. Ms. Brison said she reviewed the plan and was concerned about the language concerning resiliency and density. She requested that the plan be remanded back to the Public Planning Committee. Upon the conclusion of a lengthy discussion, Town Council took action to send the plan back to committee.

Ms. Brison moved to remand the Local Comprehensive Beach Management Plan for the Town of Hilton Head Island to the Public Planning Committee. Mr. Ames seconded. The motion carried 6-1, Ms. Becker opposing.

c. First Reading of Proposed Ordinance 2023-02 Amending Section 2-5-10 of the Municipal Code for the Town of Hilton Head Island Related to the Date, Time, and Place of a Regularly Scheduled Town Council Meeting

Mr. Gruber reviewed the proposed amendments to the municipal code, highlighting the key elements to the amendments and that they align with statutory requirements.

Mr. Ames moved to approve. Mr. Stanford seconded. With no discussion, the motion carried 7-0.

d. First Reading of Proposed Ordinance 2023-03 Amending the Municipal Budget for the Town of Hilton Head Island for the Fiscal Year Budget Ending June 30, 2023

Mr. Troyer reviewed the proposed budget amendments and answered questions posed to him from Town Council. Ms. Becker had questions about the use of the short-term rental permit fees, noting that these fees are unknown. She said she was under the impression that short-term rental fees were not going to be used in the general fund. Mr. Brown questioned the amendment for the use of parking management, raising a concern that the policy for the parking management program has not been discussed.

Mr. Ames moved to approve. Mr. Alfred seconded. With no further discussion, the motion carried 7-0.

- e. First Reading of Proposed Ordinance 2023-05 Authorizing the Execution of a Deed Conveying a Portion of Real Property Owned by the Town of Hilton Head Island Located at 137 Squire Pope Road

Mr. Gruber reviewed this matter with Town Council, noting that at the time the Town purchased this property, the survey did not show the driveway encroachment. He said, after reviewing the areal photos of the property going back prior to the Town's purchase, it does show the driveway encroachment. Mr. Gruber answered questions posed to him from Town Council.

Mr. Ames moved to approve. Mr. Stanford seconded. With no further discussion, the motion carried 6-1, Ms. Becker opposing.

- f. Consideration of a Resolution of the Town of Hilton Head Island Approving the Recommendation from the Accommodations Tax Advisory Committee for the Calendar Year 2023 Accommodations Tax Grants

Mr. Troyer reviewed the recommendation from the Accommodations Tax Advisory Committee. Mr. Fluker, Chairman of the Committee, answered questions posed from Town Council and providing input and insight on the Committee's recommendation.

Mayor Perry explained that Town Council would review each request one at a time to ensure full consideration of all requests.

Mr. Ames moved to approve the resolution, removing the supplemental funding request from the Hilton Head Island-Bluffton Chamber of Commerce. Mr. Stanford seconded. With no further discussion, the motion carried 6-1, Ms. Brison opposing.

Mr. Brown moved to table further discussion and consideration of the supplemental funding request from the Hilton Head Island-Bluffton Chamber of Commerce. Mr. Stanford seconded. With no further discussion, the motion carried 7-0.

- g. Consideration of a Resolution Approved by the Greater Island Council Requesting Beaufort County and the Town of Hilton Head Island Work Jointly on Improvements to the Solid Waste and Recycling Facilities

Mr. Colin opened the discussion on this matter, explaining that at a previous meeting, Town Council took action supporting a similar resolution from the Greater Island Council. After much discussion and questions answered by Mr. Colin; no action was taken on this matter. Town Council requested that further discussion on this matter be had at their upcoming strategic action planning workshop.

11. Executive Session

At 6:34 p.m., Town Council recessed to enter into Executive Session.

12. Possible Action by Town Council Concerning Matters Discussed in Executive Session

At 8:04 p.m., Town Council returned to the dais and took the following action.

Mayor Pro-Tem Ames moved to appoint Alan Perry to represent the Town of Hilton Head Island in his capacity as Mayor to the Beaufort County Economic Development Corporation. Further, Councilmember Tamara Becker will serve as the Mayor's designee when he is not available to attend a meeting. Councilmember Stanford seconded. Motion carried 7-0.

Mayor Pro-Tem Ames moved to approve the Resolution amending the makeup of the Northpoint Public Private Partnership Housing Advisory Committee, to add an additional citizen seat. Ms. Becker seconded. Motion carried 7-0.

Mayor Pro-Tem Ames moved to appoint Councilmember Glenn Stanford to fill the vacant Town Council seat and Thomas Lennox to fill the new citizen seat on the Northpoint Public Private Partnership Ms. Becker seconded. Motion carried 7-0.

Mayor Pro-Tem Ames moved to authorizing the execution of a Sponsorship Agreement with the Heritage Classic Foundation for the 2023 Heritage Golf Tournament Sponsored by Boeing. Ms. Becker seconded. Motion carried 7-0.

13. Adjournment

The meeting adjourned at 8:11 p.m.

Krista M. Wiedmeyer, Town Clerk

Approved: February 21, 2023

Alan R. Perry, Mayor



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Cathy Foss, Chair of the Design Review Board
DATE: February 12, 2023
SUBJECT: Design Review Board Semi-Annual Report: June 2022 – February 2023

SUMMARY:

This memo covers a summary of the applications received, and the actions taken by the Design Review Board for the period of June 2022 - February 2023. Three (3) meetings were cancelled during the report period due to lack of agenda items.

New Developments

1. Chaplin Townhomes (Conceptual) – approved with conditions.
2. Kinnaird Warehouse (Final) – approved with conditions.
3. Bailey's Point Amenity Center (Final) – approved with conditions.

Alterations/Additions

1. Spinnaker Preview Center – approved with conditions.
2. Lowes Foods – withdrawn at applicant's request.
3. Schooner Court – approved as submitted.
4. Sheriff's Office Reroof – approved as submitted.
5. Billy Wood Appliance - approved with conditions.
6. Disney Elevator Addition - approved with conditions.
7. Broad Creek Marina Housing - withdrawn at applicant's request.
8. Nunzios Porch – approved with conditions.
9. Drift Away Multifamily – approved with conditions.
10. Beach House – approved with conditions.
11. Dunes House – approved with conditions.
12. The Bank – approved with conditions.



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Joshua Gruber, Deputy Town Manager
VIA: Marc Orlando, Town Manager
DATE: February 3, 2023
SUBJECT: Second Reading of Proposed Ordinance 2023-02 Amending Section 2- 5-10 of the Municipal Code for the Town of Hilton Head Island Related to the Date, Time, and Place of a Regularly Scheduled Town Council Meeting

RECOMMENDATION:

The Town Council consider amending its Municipal Code so as to provide for greater consistency in identifying regularly scheduled meetings of the Town Council.

BACKGROUND:

The existing language of the Town's Municipal Code requires that the Town Council meet on the first and third Tuesdays of every month at 4:00 p.m. unless such day would fall on a legal holiday, in which case the meeting would be held at the same time on the next business. This language fails to take into consideration adjustments that have been agreed upon by the Town Council such as its participation at the Hometown Legislative Action Day in early February and a limited number of monthly meetings during the summer months that accommodates members travel and family schedules.

Currently, South Carolina Law requires that the Town Council meet at least once in every month and at such times and at such places as the council may determine. Because this language is broader than what is currently provided for within the Town's Municipal code, staff is recommending that Town Council consider amending its Code to state the following, "Town Council shall meet no less often than monthly. A schedule of Town Council's regular meetings shall be adopted in January of each year."

Adoption of this proposed language will allow the Town Council to continue to provide advance notice to the public of its regularly scheduled meeting dates and meeting times, while allowing for greater flexibility that reflects the Council's current meeting practices.

Town Council gave unanimous approval for first reading of this Ordinance at its January 17th meeting.

SUMMARY:

Based on the anticipated Town Council meeting schedule for 2023, the current Municipal Code language requiring twice monthly meetings of the Town Council on the first and third Tuesdays of the month should be amended so that Town Council will meet no less than monthly and at such dates and times as may be adopted by the Town Council at the beginning of each calendar year.

ATTACHMENTS:

1. Draft Ordinance amending Section 2-5-10 of the Municipal Code for the Town of Hilton Head Island

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2023-02

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 5 (MEETINGS OF COUNCIL AND RULES OF PROCEDURE) OF TITLE 2 (GENERAL GOVERNMENT AND ADMINISTRATION), OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 2-5-10, DATE, TIME, AND PLACE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council originally adopted Section 2-5-10 on September 26, 1983, and subsequently amended Section 2-5-10 on May 2, 1994 and again on January 23, 1996; and

WHEREAS, Section 2-5-70 currently provides that regular meetings of Town Council shall be held at Town Hall on the first and third Tuesday of each month at 4:00 p.m.; and

WHEREAS, in order to provide consistency in the scheduling of its meetings and to align with current meeting practices, Town Council now desires to amend Section 2-5-10.

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

NOTE: Underlined and bold-face typed portions indicate additions to the municipal code. ~~Stricken~~ portions indicate deletions to the municipal code.

Section 1: Amendment. That Section 2-5-10 (Date, Time, and Place) of the Municipal Code of The Town of Hilton Head Island, South Carolina, is hereby amended as follows:

“Section 2-5-10. Date, Time, and Place.”

- (a) ~~The regular meetings of the council shall be held at the Town Hall on the first and third Tuesday of each month at 4:00 p.m., unless changed by a majority vote of members present at any regular or special meeting. When any meeting shall occur on a legal holiday, the meeting shall be held at the same time on the next business day. The council shall give written public notice of regular meetings of the council at the beginning of each calendar year. The notice shall include the dates, times and places of regular meetings of the council.~~ **Town Council shall meet no less often than monthly. A schedule of Town Council’s regular meetings shall be adopted in January of each year.**
- (b) Special meetings of the council may be held on the call of the mayor or a majority of the members of the council. Public notice of a special or rescheduled meeting shall be given as early as is practicable but not less than twenty-four (24) hours in advance of the time of the meeting by the municipal clerk. The public notice shall include the agenda, date, time and place of the special or rescheduled meeting. Such notice shall be given at least

twenty-four (24) hours in advance of the time of the meetings to all available members of the council by the municipal clerk.

(c) All regular, special or rescheduled meetings of the council shall be open to the public.

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

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL OF THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2023.

By: _____
Alan R. Perry, Mayor

ATTEST:

Krista M. Wiedmeyer, Town Clerk

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: John Troyer, CPA, Director of Finance
VIA: Marc Orlando, ICMA-CM, Town Manager
DATE: January 26, 2023
SUBJECT: Second Reading of Proposed Ordinance No. 2023-03 Amending the Municipal Budget for the Town of Hilton Head Island for the fiscal year ending June 30, 2023

TO: Town Council

RECOMMENDATION:

Staff recommends Town Council approve the second of two readings of Proposed Ordinance No. 2023-03 which amends Fiscal Year 2023 budgets for the General and Stormwater Utility Funds and establishes a budget for the Gullah Geechee Historical Neighborhood Community Development Corporation.

There have been no changes to the proposed expenditures since the first reading.

There has been one change since the first reading to the proposed funding source for the Housing Coordinator position (\$50,625) from Short Term Rental Permit Fees to Prior Year General Fund surplus. Staff would also like to clarify the funding source for the Parking Contract shall be Transfer in from Hospitality Tax to be possibly reimbursed by future Parking Fees.

There have been no other changes to the Proposed Ordinance.

ATTACHMENTS:

1. Proposed Ordinance 2023-03
2. Parking Program Annual Expense Budget for FY23
3. Parking Revenue Projections Budget for FY23
4. Code Enforcement Initial Officer Costs detail
5. Code Enforcement Recurring Annual Costs detail
6. Calculation of Estimated Housing Coordinator Costs detail
7. Lawton Stormwater Pump Station detail

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2023-03

AN ORDINANCE TO AMEND THE BUDGET FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE FISCAL YEAR ENDING JUNE 30, 2023; 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 7, 2022; 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; and

WHEREAS, in accordance with Town Council's direction to allocate \$1 million per year to housing as approved during the November 1, 2022 Town Council meeting, this budget amendment includes direction to the Department of Finance to set aside \$1 million in a specially designated portion of the General Fund Balance for said purpose. In order to provide for this designation, Town Council revises the revenue estimate in the General Fund from the transfer in from Accommodation Tax (ATAX) by the same amount in allowable ATAX uses for Town operations including Fire Rescue, Facilities and Beach Services in the General Fund.

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 2023 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 shown as follows on Supplementary Schedule A.

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.

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2023-03

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF
HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2023.

Alan Perry, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk
Proposed Ordinance No. 2023-03

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

Curtis L. Coltrane
Town Attorney

Introduced by Council Member:

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2023-03

Supplementary Schedule A

Town of Hilton Head Island
List of Proposed Budget Amendments
For Consideration on January 17, 2023

Community Development Corporation

Regional Housing Trust Dues	156,815
Operating Budget	343,185
State Grant programs/projects	<u>5,000,000</u>
Total proposed spending	<u><u>5,500,000</u></u>
Funded by:	
County ARPA funds	500,000
State Grant	<u>5,000,000</u>
Total funding sources	<u><u>5,500,000</u></u>

General Fund -- Parking Contract

Parking Operations	366,965
Parking Start-up capital	<u>502,765</u>
Total proposed spending	<u><u>869,730</u></u>
Less funding included in the CIP	(200,000)
Net change to the General Fund	<u><u>669,730</u></u>
Funded by:	
Parking Fees -- transfer in from HTAX to be possibly reimbursed by future Parking Fees	<u><u>669,730</u></u>

Stormwater

Backflow prevention gate project (five gates)	410,000
Lawton basin stormwater pump project (replace two pumps)	<u>570,000</u>
Total proposed spending	<u><u>980,000</u></u>
Funded by:	
Stormwater fees	490,000
ATAX collections for utility improvements in tourist areas	<u>490,000</u>
	<u><u>980,000</u></u>

General Fund -- Enhanced Code Enforcement start-up and housing coordinator

Code Enforcement Start-up costs	78,478
Code Enforcement supplies and materials	<u>5,656</u>
Subtotal proposed Code Enforcement spending	84,134
Housing Coordinator -- Salary and Benefits for 5 months (salary range \$73,835 - \$94,139)	<u>50,625</u>
	<u><u>134,759</u></u>
Funded by:	
Short-Term Rental revenues	84,134
Prior Year General Fund surplus	<u>50,625</u>
	<u><u>134,759</u></u>

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2023-03

Supplementary Schedule A, CONT.

The effects of this amendment for fiscal year 2023 are presented below.

	General Fund		Cap Proj Fund		Debt Service		Community Development Corporation Fund	
	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
Original Balance	\$ 48,621,804	\$(48,621,804)	\$ 45,671,933	\$(45,671,933)	\$ 19,374,081	\$(19,374,081)	\$ -	\$ -
Amendment	435,123	(435,123)	-	-	-	-	-	-
Revised Budget	\$ 49,056,927	\$(49,056,927)	\$ 45,671,933	\$(45,671,933)	\$ 19,374,081	\$(19,374,081)	\$ -	\$ -
Amendment	804,489	(1,804,489)	-	-	-	-	5,500,000	(5,500,000)
Revised Budget	49,861,416	(50,861,416)	45,671,933	(45,671,933)	19,374,081	(19,374,081)	5,500,000	(5,500,000)

	Total Governmental Funds		Enterprise Fund Stormwater Fund	
	Expenditures, Transfers Out & Other Uses	Revenues & Transfers In & Other Sources	Expenditures & Transfers Out	Revenues & Transfers In
Original Balance	\$113,667,818	\$(113,667,818)	\$ 5,833,296	\$(5,833,296)
Amendment	435,123	(435,123)	103,818	(103,818)
Revised Budget	\$114,102,941	\$(114,102,941)	\$ 5,937,114	\$(5,937,114)
Amendment	6,304,489	7,304,489	980,000	(980,000)
Revised Budget	120,407,430	121,407,430	6,917,114	\$(6,917,114)

ATTACHMENT 2

Town of Hilton Head Island

Parking Program Annual Operating Expense Budget FY23



Operating Expense		FY23
Labor	\$	151,425
Equipment	\$	13,250
Office Expense	\$	21,600
Uniforms	\$	3,500
Marketing	\$	10,000
License/Permits	\$	1,250
Supplies	\$	6,850
Vehicle Expense	\$	5,700
Software Licenses & Fees	\$	90,975
Professional Services Fees	\$	12,350
Management Fees / Insurance	\$	39,165
Signage	\$	10,900
Subtotal Operations	\$	366,965
Capital Expense	\$	502,765
Total Annual Expense	\$	869,730

Town of Hilton Head Island

Parking Program Capital Expense Budget



Item	Location	Quantity	Unit Cost	Total Cost
Parking Space Sensors	Multiple	153	\$ 305.00	\$ 46,665.00
Fixed LPR Cameras	Chaplin Park/Castnet Overflow	8	\$ 10,475.00	\$ 83,800.00
Fixed LPR Cameras	Coligny Beach Park	4	\$ 10,475.00	\$ 41,900.00
Fixed LPR Cameras	Driessen Beach Park	2	\$ 10,475.00	\$ 20,950.00
Fixed LPR Cameras	Fish Haul Park	2	\$ 10,475.00	\$ 20,950.00
Fixed LPR Cameras	Islanders Beach Park	2	\$ 10,475.00	\$ 20,950.00
Fixed LPR Cameras	Folly Field Beach Park	4	\$ 10,475.00	\$ 41,900.00
Automated Parking Gates	Folly Field Beach Park	6	\$ 10,550.00	\$ 63,300.00
Automated Parking Gates	Coligny Beach Park	4	\$ 10,550.00	\$ 42,200.00
Automated Parking Gates	Driessen Beach Park	1	\$ 10,550.00	\$ 10,550.00
Automated Parking Gates	Fish Haul Park	1	\$ 10,550.00	\$ 10,550.00
Automated Parking Gates	Islanders Beach Park	1	\$ 10,550.00	\$ 10,550.00
Program Vehicles	N/A	2	\$ 30,000.00	\$ 60,000.00
Mobile LPR	N/A	1	\$ 28,500.00	\$ 28,500.00
				\$ 502,765.00

Assumptions

Gate Expense	Concrete Island/Pad	\$ 1,675.00
<i>Exit Gate Only</i>	Electrical	\$ 3,500.00
	Install / Loop	\$ 1,250.00
	Gate Mechanism	\$ 3,750.00
	Gate Arm	\$ 375.00
		<u>\$ 10,550.00</u>
Fixed LPR Camera	Pole / Fixture	\$ 775.00
	Electrical	\$ 2,000.00
	Installation	\$ 795.00
	Camera	\$ 3,750.00
	Software License	\$ 3,155.00
		<u>\$ 10,475.00</u>

Town of Hilton Head Island
Parking Program Annual Operating Expense Budget FY23



Operating Expense										GRAND TOTAL	\$ 869,730
	November	December	January	February	March	April	May	June	FY Total		
Labor										\$ 151,425	
Manager	\$ 4,625	\$ 9,250	\$ 9,250	\$ 9,250	\$ 9,250	\$ 9,250	\$ 9,250	\$ 9,250	\$ 9,250	\$ 69,375	
Assistant Manager	\$ -	\$ -	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 4,725	\$ 28,350	
Enforcement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,725	\$ 5,725	\$ 5,725	\$ 5,725	\$ 22,900	
Ambassador	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500	\$ 7,500	\$ 10,400	\$ 10,400	\$ 30,800	
Equipment										\$ 13,250	
Citation Handhelds	\$ -	\$ -	\$ 5,250	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,250	
Citation Printers	\$ -	\$ -	\$ 2,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000	
Equipment Repairs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 4,000	
Flags & Flashlights	\$ -	\$ -	\$ 500	\$ 250	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 750	
Cones & Barricades	\$ -	\$ -	\$ 1,000	\$ 250	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,250	
Office Expense										\$ 21,600	
Rent	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 10,800	
Furniture	\$ -	\$ 4,500	\$ 1,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,000	
Utilities	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 1,600	
Telephone & Data	\$ 400	\$ 400	\$ 400	\$ 400	\$ 400	\$ 400	\$ 400	\$ 400	\$ 400	\$ 3,200	
Uniforms	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500	\$ 500	\$ 250	\$ 250	\$ 3,500	
Marketing										\$ 10,000	
Website	\$ -	\$ 3,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,500	
Information Flyers	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ 1,000	\$ -	\$ -	\$ -	\$ 6,000	
Promotional	\$ -	\$ 500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500	
License/Permits	\$ -	\$ 500	\$ -	\$ 750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,250	
Supplies										\$ 6,850	
Office Supplies	\$ -	\$ 1,500	\$ 500	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 3,250	
Citation Paper Rolls	\$ -	\$ -	\$ -	\$ 3,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,600	
Vehicle Expense										\$ 5,700	
Repairs & Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 350	\$ 350	\$ 350	\$ 350	\$ 1,400	
Fuel	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 350	\$ 350	\$ 350	\$ 350	\$ 1,400	
Insurance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 725	\$ 725	\$ 725	\$ 725	\$ 2,900	
Software Licenses & Fees										\$ 90,975	
VERGE	\$ -	\$ -	\$ -	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 17,500	
Spot Parking (Wayfinding App)	\$ -	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000	
Park Loyalty (Citation Software)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800	\$ 7,200	
Park Lync (Permitting)	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 2,400	
LPR Licenses & Support	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,275	\$ -	\$ -	\$ -	\$ 26,275	
Nwave Sensors	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 650	\$ 650	\$ 650	\$ 650	\$ 2,600	
Professional Services Fees										\$ 12,350	
Banking Fees	\$ -	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 1,750	
Credit Card Fees	\$ -	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 2,000	\$ 3,000	\$ 3,000	\$ 10,000	
Accounting & Legal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150	\$ 150	\$ 150	\$ 150	\$ 600	
Management Fees / Insurance										\$ 39,165	
Management Fee	\$ -	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 21,000	
General Liability Insurance	\$ -	\$ 2,595	\$ 2,595	\$ 2,595	\$ 2,595	\$ 2,595	\$ 2,595	\$ 2,595	\$ 2,595	\$ 18,165	
Signage	\$ -	\$ -	\$ -	\$ 5,000	\$ 5,000	\$ 500	\$ 200	\$ 200	\$ 200	\$ 10,900	
Capital Expense	\$ -	\$ -	\$ 200,000	\$ 150,000	\$ 152,765	\$ -	\$ -	\$ -	\$ -	\$ 502,765	
Monthly Total	\$ 6,875	\$ 33,345	\$ 233,320	\$ 221,170	\$ 227,110	\$ 47,070	\$ 50,420	\$ 50,420	\$ 869,730		

ATTACHMENT 3

Town of Hilton Head Island
Parking Revenue Projections Budget FY23



Parking Revenues										GRAND TOTAL	
			November	December	January	February	March	April	May	June	FY Total
Permits			\$ -	\$ 22,500.00	\$ 22,500.00	\$ 7,500.00	\$ 7,500.00	\$ 3,750.00	\$ 3,750.00	\$ -	\$ 67,500
	Number		0	1,500	1,500	500	500	250	250	0	4,500
	Rate		\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	
Daily Parking Fees			\$ -	\$ -	\$ -	\$ -	\$ -	\$ 321,195.00	\$ 384,307.00	\$ 405,720.00	\$ 1,111,222
	Hourly Rate		\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00	
	Avg Parking Session (Hrs)		3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	
	Total Paid Spaces		1610	1610	1610	1610	1610	1610	1610	1610	
	Utilization		0%	0%	0%	0%	0%	95%	110%	120%	
	Days		30	31	31	28	31	30	31	30	
Parking Violation Fees			\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,600.00	\$ 31,500.00	\$ 44,100.00	\$ 88,200
	Citations Issued		0	0	0	0	0	500	1,250	1,750	
	Paid %		72%	72%	72%	72%	72%	72%	72%	72%	
	Average Rate		\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	
Monthly Totals			\$ -	\$ 22,500.00	\$ 22,500.00	\$ 7,500.00	\$ 7,500.00	\$ 337,545.00	\$ 419,557.00	\$ 449,820.00	\$ 1,266,922

Parking Lots	Paid Spaces
Alder Lane Beach	23
Chaplin Park/Castnet	548
Coligny Beach Park	520
Driessen Beach Park	205
Folly Field Beach Park	54
Islanders Beach	159
Mitchelville Beach Park	101

Hourly Rate Revenue Table		
Rate	Annual Revenue Projections	
\$ 2.00	\$	1,266,922.00
\$ 3.00	\$	1,822,533.00
\$ 4.00	\$	2,378,144.00

ATTACHMENT 4***CODE ENFORCEMENT - INITIAL OFFICER COSTS***

ITEM	QUANTITY	COST/UNIT	TOTAL
Jackets	6	\$90.00	\$540.00
Pants	10	\$45.00	\$450.00
Shirts - short sleeve	10	\$32.00	\$320.00
Shirts - long sleeve	12	\$38.00	\$456.00
Body cameras	2	\$1,200.00	\$2,400.00
Body camera parts	1	\$250.00	\$250.00
Kawasaki Mule - 2 seater	3	\$16,000.00	\$48,000.00
Kawasaki Mule - 4 seater	1	\$22,000.00	\$22,000.00
Misc. supplies per person	4	\$150.00	\$600.00
GACE conference in Savannah - 1x/year	6	\$500.00	\$3,000.00
GACE membership fee - annually	6	\$77.00	\$462.00
			<hr/>
			\$78,478.00

ATTACHMENT 5***CODE ENFORCEMENT - RECURRING ANNUAL COSTS***

ITEM	QUANTITY	COST/UNIT	TOTAL
Replacement pants	12	\$45.00	\$540.00
Replacement shirts - short sleeve	18	\$32.00	\$576.00
Replacement shirts - long sleeve	6	\$38.00	\$228.00
Body camera parts	1	\$250.00	\$250.00
Misc. supplies per person	4	\$150.00	\$600.00
GACE conference in Savannah - 1x/year	6	\$500.00	\$3,000.00
GACE membership fee - annually	6	\$77.00	\$462.00
			<hr/>
			\$5,656.00

ATTACHMENT 6

Town of Hilton Head Island
Calculation of Estimated Housing Coordinator Costs
For the remainder of the 2023 Fiscal Year

Estimated Salary	90,000
Estimated Benefits	<u>31,500</u>
Estimated Annual Cost	<u><u>121,500</u></u>
Prorated for 5 months	<u><u>50,625</u></u>

ATTACHMENT 7

Lawton Stormwater Pump Station - 2023 Capital Improvements

Item	Quoted Costs *	Contingency (5%)	Cost + Contingency	Budget Amount
Provide, install, and test two (2) MWI SEA328 P25 Submersible Electric Pumps at Lawton Pump Station	\$ 543,309.00	\$ 27,165.45	\$ 570,474.45	\$ 570,000.00
Provide and install two (2) 72" Combination Gates & three (3) 58" Flap Gates at Lawton Pump Station	\$ 388,931.00	\$ 19,446.55	\$ 408,377.55	\$ 410,000.00
Budget Amendment Request Total				\$ 980,000.00

Funding Sources

Stormwater Fund Reserve	50%	\$ 490,000.00
Local Accommodations Tax Fund	50%	\$ 490,000.00

* Quoted Costs provided by BRW Construction Group, LLC, the Town's current on-call services contractor for pump station maintenance.



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Joshua Gruber, Deputy Town Manager
VIA: Marc Orlando, Town Manager
DATE: February 3, 2023
SUBJECT: Ordinance to Transfer a Portion of Town Owned Property to Ibrahim Abdul-Malik and Mumtahana Abdul-Malik

RECOMMENDATION:

The Town Council consider an Ordinance authorizing the transfer of a portion of Town owned property located at 137 Squire Pope Road to Ibrahim Abdul-Malik and Mumtahana Abdul-Malik to resolve an encroachment of 825 square feet that was preexisting on the property at the time that the Town acquired it.

BACKGROUND:

The Town owns real property located at 137 Squire Pope Road and is identified as Tax Map Number R 511 007 000 004C 0000 (Rowing and Sailing Center). This property was purchased in 2006 and at the time of acquisition, a gravel driveway accessing the property located at 131 Squire Pope Driveway existed based upon ariel photography that the Town possesses from this time period. However, the survey that the Town received in conjunction with its purchase of the property located at 137 Squire Pope Road failed to delineate this existing encroachment.

In order to resolve this conflict, the Town has prepared a draft ordinance that would convey this 825 square feet area to the Abdul-Malik's in order to facilitate the continued use of this driveway as access to 131 Squire Pope Road.

Town Council gave preliminary approval on first reading of this Ordinance at its January 17, 2023 meeting by a vote of 6-1.

SUMMARY:

Based on the fact that the Town should have been aware of the existing encroachment at the time that it acquired real property, the Town should consider adopting an Ordinance authorizing the transfer of this property to the neighboring landowner to facilitate their lawfully continued use.

ATTACHMENTS:

1. Draft Ordinance Authorizing the Execution of a Deed Conveying a Portion of Real Property Owned by the Town of Hilton Head Island Located at 137 Squire Pope Road
2. GIS Ariel Photographs of 131 and 137 Squire Pope Road

ATTACHMENT 1

PROPOSED ORDINANCE 2023-____

ORDINANCE 2023-____

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF A DEED CONVEYING CERTAIN PROPERTY OWNED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, UNDER THE AUTHORITY OF S. C. CODE ANN. § 5-7-40 (SUPP. 2021), AND § 2-7-20, CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, (1983); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

LEGISLATIVE FINDINGS

WHEREAS, The Town of Hilton Head Island, South Carolina, owns real property on Squire Pope Road identified as Tax Map Number R 511 007 000 004C 0000 (hereinafter the “Town Property”); and,

WHEREAS, Ibrahim Abdul-Malik and Mumtahana Abdul-Malik own an adjacent real property identified as Tax Map Number R 511 007 000 005A 0000 (hereinafter the “Abdul-Malik Property”); and,

WHEREAS, a driveway serving the Abdul-Malik Property encroaches onto the Town Property and the encroachment is 825 square feet; and,

WHEREAS, the area of the encroachment is shown on the Plat attached hereto as Exhibit “B”; and,

WHEREAS, due to questions concerning the duration of the encroachment, the Town is willing to convey the area of the encroachment to Ibrahim Abdul-Malik and Mumtahana Abdul-Malik; and,

WHEREAS, S. C. Code Ann. § 5-7-40 (Supp. 2018) and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983), states that the lease, conveyance or granting of an interest in real property owned by the Town of Hilton Head Island, South Carolina, must be authorized by Ordinance.

NOW THEREFORE, BE IT 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 TOWN COUNCIL, AS FOLLOWS:

Section 1. Conveyance of Town Owned Property:

The Mayor and the Town Manager are authorized to execute and deliver a quit claim deed conveying 825 square feet of the Town Property to Ibrahim Abdul-Malik and Mumtahana Abdul-Malik. The quit claim deed will be in a form and substance as the document attached hereto as Exhibit "A." The property described in the quit claim deed is shown on the plat attached hereto as Exhibit "B."

Section 2. Severability.

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

Section 3. Effective Date.

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

PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS _____ DAY OF MARCH, 2023.

Alan R. Perry, Mayor

ATTEST:

Krista M. Weidmeyer, Town Clerk

First Reading: February 17, 2023

Second Reading:_____

Approved as to form: _____
Curtis L. Coltrane, Town Attorney

Introduced by Council Member:_____

EXHIBIT "A" TO ORDINANCE 2023-__

ATTACHMENT 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) QUIT CLAIM DEED

Know All Persons by These Presents, that The Town of Hilton Head Island, South Carolina, in the State aforesaid and in consideration of the sum of One and no/100 (\$1.00) Dollars, to them in hand paid at and before the execution, sealing and delivery of these presents, by Ibrahim Abdul-Malik and Mumtahana Abdul-Malik, having an address of 131 Squire Pope Road, Hilton Head Island, SC, 29926, in the State aforesaid, the receipt whereof is hereby acknowledged, subject to the easements, restrictions, and conditions set forth in the legal description below, have granted, released and quit claimed, and by these Presents do grant, release and quit claim to Ibrahim Abdul-Malik and Mumtahana Abdul-Malik the following property:

All that certain piece, parcel or lot of land, shown and described as “Area to be Transferred to Lot 131, 825 Sq. Ft. 0.02 Ac.” on a Plat entitled “Boundary Reconfiguration of Lot 131 and Tax Parcel R 511 007 000 004C 0000, Squire Pope Road, Hilton Head Island, Beaufort County, South Carolina,” prepared by Mark R. Renew, SCPLS 25437, dated November 5, 2021, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book ____ at Page ____.

This conveyance is made subject to all applicable covenants, conditions, limitations, easements, affirmative obligations, etc., recorded in the Office of the Register of Deeds for Beaufort County, South Carolina.

This being a part of the same property conveyed to The Town of Hilton Head Island, South Carolina, by Deed recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Record Book 2283 at Page 1383.

This Deed was prepared in the law office of Coltrane & Wilkins, LLC, Post Office Box 6808, Hilton Head Island, South Carolina, 29938, by Curtis L. Coltrane.

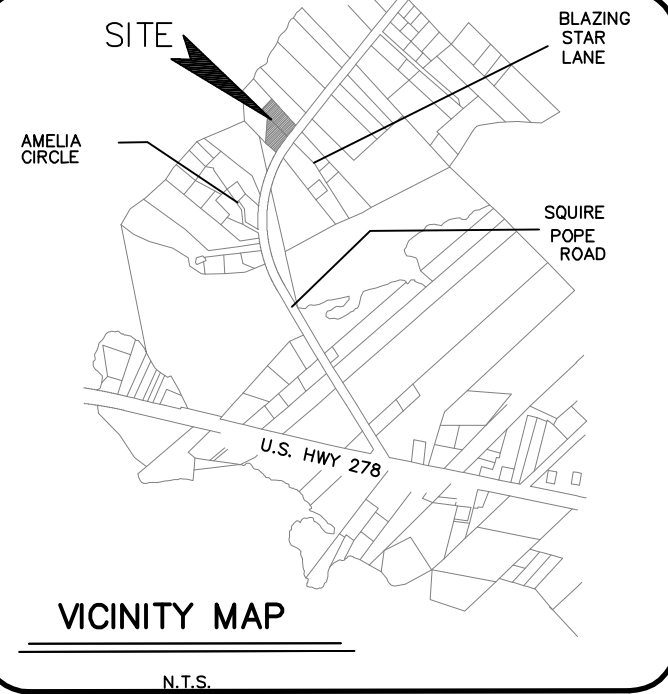
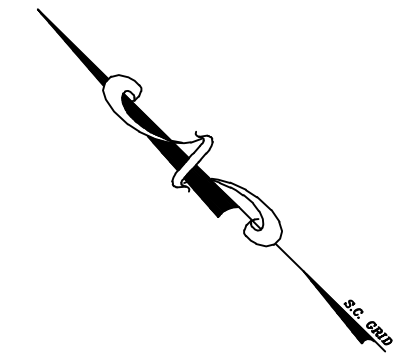
A Part of TMS# R 511 007 000 005A 0000

Together with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

To Have and to Hold, all and singular, the said Premises before mentioned to Ibrahim Abdul-Malik and Mumtahana Abdul-Malik.

EXHIBIT "B" TO ORDINANCE 2023-__

ATTACHMENT 3

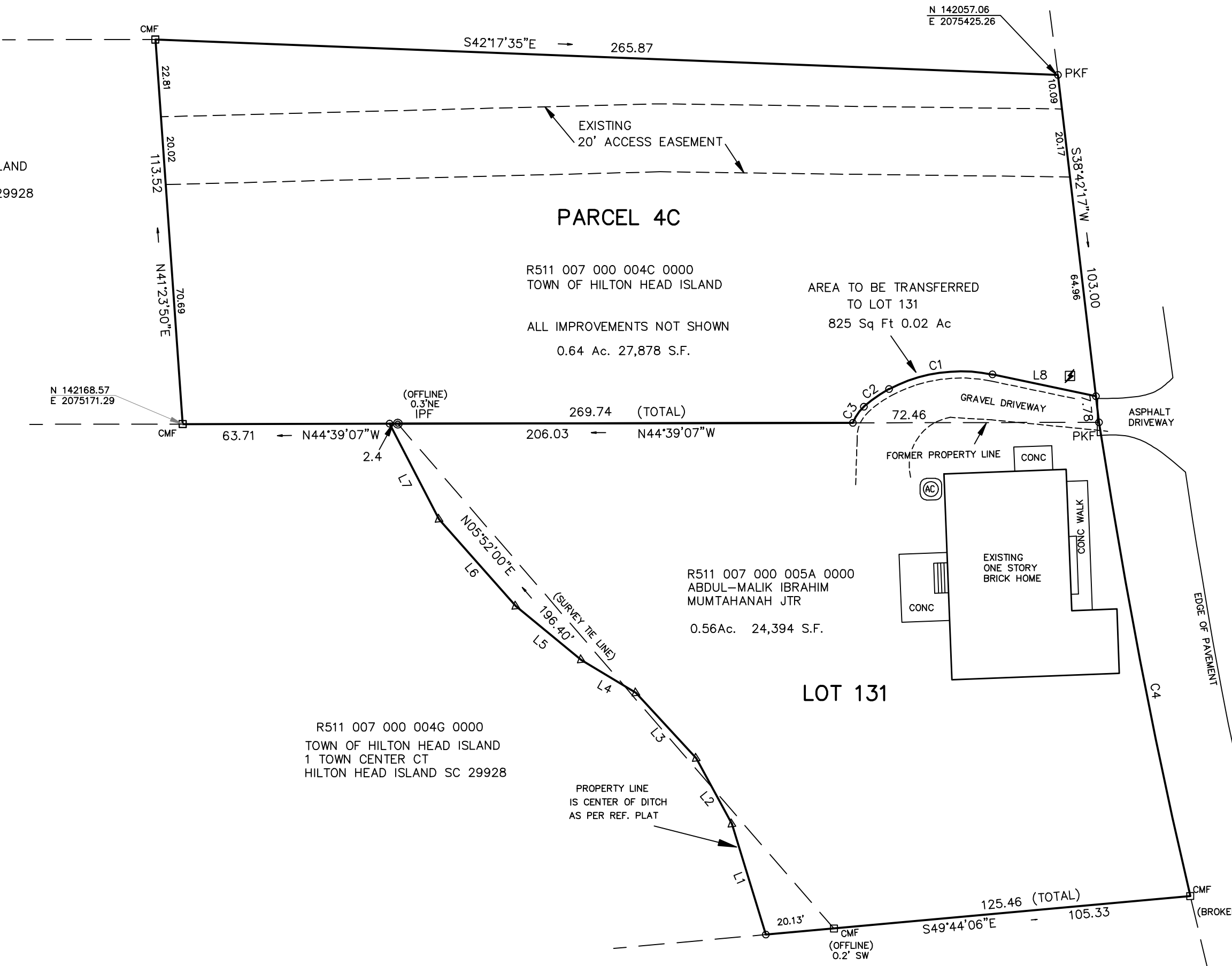


LINE TABLE		
LINE	LENGTH	BEARING
L1	34.07	S 29°41'19" W
L2	22.00	S 18°10'42" W
L3	26.20	S 04°03'28" W
L4	18.80	S 12°13'06" E
L5	24.92	S 03°53'43" E
L6	34.13	S 05°14'29" W
L7	31.68	S 19°19'26" W
L8	31.09	S 32°41'23" E

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	31.45	45.27	30.82	S52°35'24"E	39°48'00"
C2	9.08	35.89	9.05	S79°44'04"E	14°29'21"
C3	5.75	12.26	5.70	N79°35'15"E	26°52'01"
C4	142.07	1810.56	142.04	S35°48'00"W	4°29'45"

R511 007 000 0809 0000
TOWN OF HILTON HEAD ISLAND
1 TOWN CENTER CT
HILTON HEAD ISLAND SC 29928

R511 007 000 004D 000
TOWN OF HILTON HEAD ISLAND
1 TOWN CENTER CT
HILTON HEAD ISLAND SC 29928



SQUIRE POPE ROAD SC 7-141 66' R/W

LEGEND & SYMBOLS:

- IPF - 1/2" IRON PIN FOUND
- CMF 3" CONCRETE MONUMENT FOUND
- PKS P.K. NAIL SET
- IPS 1/2" IRON PIN SET

REFERENCE PLAT

- 1) A PLAT OF SURVEY - LAND OF THOMAS & MAY BRYAN, HILTON HEAD ISLAND - BEAUFORT COUNTY - SOUTH CAROLINA
DRAWN: 03/13/71
RMC. BEAUFORT COUNTY, SC
BY: CARL E. EKHOLM, S.C.R.L.S. # 2047
- 2) A TREE TOPOGRAPHIC AND BOUNDARY SURVEY OF THE SKULL CREEK SEAFOOD SITE, SQUIRE POPE ROAD, HILTON HEAD ISLAND, BEAUFORT COUNTY, S.C.
DRAWN: 5/06/05
RECORDED IN BOOK 111, PAGE 149, DATED 2/13/06
ROD. BEAUFORT COUNTY, SC
BY: MICHAEL R. DUNIGAN S.C.R.L.S. # 11,605

NOTES:

- 1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
- 2). THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT RESTRICTIONS AS RECORDED IN THE OFFICE OF THE RMC FOR BEAUFORT COUNTY.
- 3). SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.

SOME OR ALL AREAS ON THIS PLAT ARE FLOOD HAZARD AREAS AND HAVE BEEN IDENTIFIED AS HAVING AT LEAST A ONE PERCENT CHANCE OF BEING FLOODED IN ANY GIVEN YEAR BY RISING TIDAL WATERS ASSOCIATED WITH POSSIBLE HURRICANES. LOCAL REGULATIONS REQUIRE THAT CERTAIN FLOOD HAZARD PROTECTIVE MEASURES BE INCORPORATED IN THE DESIGN AND CONSTRUCTION OF STRUCTURES IN THESE DESIGNATED AREAS. REFERENCE SHALL BE MADE TO THE DEVELOPMENT COVENANTS AND RESTRICTIONS OF THIS DEVELOPMENT AND REQUIREMENTS OF THE TOWN BUILDING OFFICIAL. IN ADDITION, FEDERAL LAW REQUIRES MANDATORY PURCHASE OF FLOOD INSURANCE AS A PREREQUISITE TO FEDERALLY INSURED MORTGAGE FINANCING IN THESE DESIGNATED FLOOD HAZARD AREAS.

PROPERTY AREA = PARCEL 4C 0.64 Ac. 27,878 S.F.

LOT 131 0.56Ac. 24,394 S.F.

ADDRESS: 131 AND 135 SQUIRE POPE ROAD

DISTRICT: 511, MAP: 7, PARCELS: 4C AND 5A

THIS PROPERTY LIES IN F.E.M.A. ZONE AE; X-0.0';

BASE FLOOD ELEVATION = N/A

COMMUNITY NO. 450250, PANEL: 04326, DATED: 3/23/2021

**BOUNDARY RECONFIGURATION OF:
LOT 131, AND TAX PARCEL R511 007 000 004C 0000,
SQUIRE POPE ROAD, HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA**

**PREPARED FOR:
THE TOWN OF HILTON HEAD ISLAND AND
IBRAHIM ABDUL-MALIK AND MUMTAHANAH ABDUL-MALIK**

DATE: 11/05/21

SCALE: 1" = 30'



SIL Sea Island Land Survey, LLC.

10 Oak Park Drive, Unit C1,
Hilton Head Island,
SC 29928

Tel (843) 681-3248
Fax (843) 689-3871
E-mail: sils@sprynet.com

FILE No: 05259/3

DWG No.: 6-1349



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Nicole Dixon, AICP, CFM, Principal Planner
VIA: Shawn Colin, AICP, Assistant Town Manager – Community Development
CC: Missy Luick, Assistant Community Development Director
DATE: February 1, 2023
SUBJECT: Consideration of a Proposed Ordinance Amending Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance

RECOMMENDATION:

That Town Council review the proposed LMO Amendments and adopt an ordinance amending the LMO.

The Public Planning Committee met on January 26, 2023 and voted unanimously to forward a recommendation to Town Council to adopt an ordinance amending the LMO.

SUMMARY:

The proposed LMO Amendments were reviewed by the LMO Committee at their meeting on September 1, 2022. Staff was asked to have a legal review of the proposed LMO Amendments conducted by the Town Attorney. Staff was also asked to make changes related to the following amendments:

- Temporary Certificate of Compliance; and
- Dwelling Unit Definition; and
- Deviations from Previously Platted Subdivisions.

At their November 1, 2022 meeting, the LMO Committee recommended approval of the proposed LMO Amendments. The Committee again voiced concerns about the proposed revisions to the Dwelling Unit Definition. They questioned why there is a need to change the current definition and had concerns that the proposed revisions might create complications with other provisions in the LMO. After additional Staff review it was decided the current definition is sufficient and a determination about what constitutes a separate dwelling unit is what needs to be updated. The proposed amendment has been pulled from the proposed LMO Amendments.

On December 21, 2022, the Planning Commission reviewed the proposed LMO Amendments and voted unanimously to recommend that Town Council approve the proposed amendments with the recommendation to carefully consider allowing building

height variances for architectural details. The request to eliminate height from variance eligibility was made by a member of the Public Planning Committee for discussion at their meeting held on August 4, 2022. The LMO Committee and Planning Commission did not have comments or feedback directly on this item. As it is a development form item, it is Staff's recommendation that height should be eligible for a variance request.

BACKGROUND:

The Strategic Action Plan adopted by Town Council includes an initiative as part of the Connected Community action item to conduct a Strengths, Weaknesses, Opportunities & Threats (SWOT) Analysis of the LMO. The SWOT analysis will serve as an assessment tool that will identify the core strengths, weaknesses, opportunities, and threats of the existing code regulations. The proposed amendments are step one of a deeper effort on the SWOT Analysis.

Newly added language is illustrated with double underline and deleted language is illustrated with strikethrough.

ATTACHMENTS:

1. List of Proposed Amendments
2. Ordinance
3. Draft of Proposed LMO Amendments

LMO Amendments List

AMENDMENT	ISSUE	SECTION	Suggested By
Remove staff waivers	It is more appropriate for any waiver or varying from the code to go to the BZA as a request for variance.	16-5-105.I.8, 16-5-102.C, 16-5-102.D, 16-5-103.F, all zoning district standards for heights, 16-5-102.D.4, 16-5-103.E.2, 16-5-107.D.1, 16-5-107.D.9, 16-5-109.D.2, 16-5-109.D.2.c, 16-6-102.D.2.b, 16-6-104.G.1.c, 16-10-102.C.2.b	Staff
Allow variances from all sections of the LMO other than use, density, and height	Currently the LMO lists only a few specific sections that a variance can be applied for.	16-2-103.S.2	Staff (restricting height from variance requests was brought up by a Town Council member at a Public Planning Committee meeting)
Allow outdoor screened bike storage in the Light Commercial and Community Commercial zoning districts and provide more specificity related to screening	The LC and CC zoning districts are the only two districts that allow bike businesses but do not allow outdoor storage of them. This amendment is a recommendation from the BZA as a result of variance requests pertaining to bike businesses over the past few years. Staff is also proposing more specificity related to the screening requirements.	16-4-102.B.7.c	Board of Zoning Appeals
Provide clarification in the Manufacturing use classification as it relates to the size of a brewery; what size makes it a manufacturing use versus a nightclub or bar	Small scale breweries such as nano or microbreweries shouldn't be classified as a manufacturing use. This amendment is a recommendation of the BZA	16-10-103.I	Board of Zoning Appeals

	because of an appeal. The use should be considered a commercial use similar to a bar or eating establishment.		
Replace using June traffic counts with July traffic counts for Traffic Impact Analysis Plan Standards	This amendment is a recommendation of the Planning Commission as a result of their review of the annual traffic report presented by staff. They asked that June traffic counts be replaced with July traffic counts for traffic impact analysis plan standards.	16-5-106.C	Planning Commission
Change when/how plantings are required on single family lots in buffers as part of a subdivision Certificate of Compliance	Landscaping is currently required to be planted before a Certificate of Compliance is issued for a subdivision, which is prior to the homes being constructed. The landscaping is often damaged during construction of the homes. The amendment will allow a performance guarantee for a specific period of time where landscaping and tree planting is deferred due to inappropriate weather conditions for planting or the likelihood that the trees will be damaged during additional construction activities related to residential subdivisions.	16-2-103.P	Developers and Staff
Amend the definition of changeable copy	The current definition of changeable copy as it relates to signs does not allow signs to be changed electronically. The sign provisions should be amended as well to allow	16-10-105, 16-5-114.H.10	Business Owner

	the signs to be changed electronically with limitations on frequency and timing.		
Amend the measurement for height calculation	When the LMO was revised to measure height from 11 or 13 feet above mean sea level, some sections that reference height being measured from the BFE were overlooked. It was also determined that the option to measure height from pre-development grade, if it is higher than the height measured from mean sea level, should be used.	16-3-106.H.4, 16-3-106.I.4, 16-3-106.J.4, 16-5-102.C and D, 16-10-102.C.1.a	Staff
Add that owners' consent is required for minor subdivisions as it is currently listed as being exempt	The application requirements for Minor subdivisions states that it requires all the same requirements for a Major sub with the exception of owners' consent, open space dedication and phasing plan. Owners' consent should be required for all application types.	Appendix D: D-5.A	Staff
Provide standards for deviations from previously platted subdivisions	Currently lots in a platted subdivision can be combined in a way that results in an increase in density or additional lots. Property owners within the subdivision should have to consent to changes made to a previously platted subdivision.	16-2-102.E and 16-2-103.F	Staff

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2023-

PROPOSED ORDINANCE NO. 2023-06

AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO), SECTIONS 16-3-103.C, 16-3-104.B, 16-3-104.C, 16-3-104.D, 16-3-104.E, 16-3-104.F, 16-3-104.G, 16-3-105.C, 16-3-105.D, 16-3-105.E, 16-3-105.F, 16-3-105.G, 16-3-105.H, 16-3-105.J, 16-3-105.M, 16-3-105.N, 16-5-102.C, 16-5-102.D, 16-5-103.E, 16-5-103.F, 16-5-105.J, 16-5-107.D, 16-5-109.D, 16-5-115.C, 16-6-102.D, 16-6-104.G AND 16-10-102.C: REMOVE STAFF GRANTED WAIVERS AND AMEND SOME STANDARDS; SECTION 16-2-103.S: ALLOW VARIANCES FROM ALL SECTIONS OF THE LMO OTHER THAN USE, DENSITY OR HEIGHT; SECTION 16-4-102.B: ALLOW OUTDOOR SCREENED BIKE STORAGE IN THE LIGHT COMMERCIAL AND COMMUNITY COMMERCIAL ZONING DISTRICTS AND PROVIDE MORE SPECIFICITY RELATED TO SCREENING; SECTION 16-10-103.I: PROVIDE CLARIFICATION IN THE MANUFACTURING USE CLASSIFICATION AS IT RELATES TO THE SIZE OF A BREWERY; SECTION 16-5-106.C: REPLACE USING JUNE TRAFFIC COUNTS WITH JULY TRAFFIC COUNTS FOR TRAFFIC IMPACT ANALYSIS PLAN STANDARDS; SECTION 16-2-103.P: CHANGE WHEN/HOW PLANTINGS ARE REQUIRED ON SINGLE FAMILY LOTS IN BUFFERS AS PART OF A SUBDIVISION CERTIFICATE OF COMPLIANCE; SECTIONS 16-5-114.H AND 16-10-105: AMEND THE DEFINITION OF CHANGEABLE COPY TO ALLOW SIGNS TO BE CHANGED ELECTRONICALLY WITH LIMITATIONS ON FREQUENCY AND TIMING; SECTIONS 16-3-106.H, 16-3-106.I, 16-3-106.J, 16-5-102.C, 16-5-102.D AND 16-10-102: AMEND THE MEASUREMENT FOR HEIGHT CALCULATION; APPENDIX D:D-5: ADD THAT OWNERS' CONSENT IS REQUIRED FOR MINOR SUBDIVISIONS AS IT IS CURRENTLY LISTED AS BEING EXEMPT; AND SECTIONS 16-2-102.E AND 16-2-103.F: REQUIRE A PUBLIC HEARING AND PROVIDE STANDARDS FOR DEVIATIONS FROM PREVIOUSLY PLATTED SUBDIVISIONS AS NOTICED IN THE ISLAND PACKET ON NOVEMBER 20, 2022, AS DESCRIBED IN EXHIBIT "A" TO THIS ORDINANCE, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

WHEREAS, from time to time it is necessary to amend the LMO; and

WHEREAS, the LMO Committee held public meetings on September 1, 2022 and November 1, 2022 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, on November 1, 2022, the LMO Committee recommended that the proposed LMO amendments be forwarded to the Planning Commission with a recommendation of approval; and

WHEREAS, the Planning Commission held a public hearing on December 21, 2022 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO Amendments; and

WHEREAS, after consideration of the Staff presentation and public comments the Planning Commission voted 5-0 to forward the proposed LMO amendments to the Public Planning Committee with a recommendation of approval; and

WHEREAS, the Public Planning Committee held a public meeting on January 26, 2023 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, after consideration of the Staff presentation and public comments, the Public Planning Committee voted 4-0 to recommend approval of the proposed LMO amendments; and

WHEREAS, after due consideration of said LMO amendments, the Town Council, upon further review, finds it is in the public interest to approve the proposed LMO Amendments.

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

Section 1. Amendment. That the LMO Amendments are adopted and the Land Management Ordinance is amended as shown on Exhibit "A" to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~striketrough~~.

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 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 _____, 2023.**

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

Public Hearing: December 21, 2022

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

Exhibit A- Proposed LMO Amendments

1. Staff Waivers

- a) Remove Height waivers. In all tables bullet-listed below, remove height waiver provision text (shown subsequently below), and renumber provisions where applicable.

- Table 16-3-103(C) – Parks and Recreation (PR) District;
- Table 16-3-104(B) – Residential Single-Family-3 (RSF-3) District;
- Table 16-3-104(C) – Residential Single-Family-5 (RSF-5) District;
- Table 16-3-104(D) – Residential Single-Family-6 (RSF-6) District;
- Table 16-3-104(E) – Low to Moderate Density Residential (RM-4) District;
- Table 16-3-104(F) – Moderate Density Residential (RM-8) District;
- Table 16-3-104(G) – Moderate to High Density Residential District (RM-12) District
- Table 16-3-105(C) – Community Commercial (CC) District
- Table 16-3-105(D) – Light Commercial (LC) District
- Table 16-3-105(E) – Light Industrial (LI) District
- Table 16-3-105(F) – Main Street (MS) District
- Table 16-3-105(G) – Marshfront (MF) District
- Table 16-3.105(H) – Medical (MED) District
- Table 16-3.105(J) – Neighborhood Commercial (NC) District
- Table 16-3.105(M) – Sea Pines Circle (SPC) District
- Table 16-3.105(N) – Stoney (S) District

~~(1) May be increased by up to ten percent on demonstration to the **Official** that:~~

- ~~a. The increase is consistent with the character of **development** on surrounding land;~~
- ~~b. **Development** resulting from the increase is consistent with the purpose and intent of the building height standards;~~
- ~~c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features**;~~
- ~~d. The increase will not pose a danger to the public health or safety;~~
- ~~e. Any adverse impacts directly attributable to the increase are mitigated; and~~
- ~~f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.~~

- b) Remove Adjacent Street Setback waivers. In Table 16-5-102.C, remove the following text in footnote (5) that states:

Exhibit A- Proposed LMO Amendments

- (5) ~~May be reduced by up to 30 percent in the S-District, 20 percent in the RD and IL-Districts, and 15 percent in all other districts on demonstration to the **Official** that:~~
- ~~g. The reduction is consistent with the character of **development** on surrounding **land**.~~
 - ~~h. **Development** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
 - ~~i. The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the extension of a wall or fence that screens an existing outdoor storage area);~~
 - ~~j. The reduction will not pose a danger to the public health or safety;~~
 - ~~k. Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of **buildings** to a **street** are mitigated by a wider or more densely screened adjacent street buffer along that **street**);~~
 - ~~l. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 30 percent in the S-District, 20 percent in the RD and IL-Districts, or 15 percent in all other districts; and~~
 - ~~m. In the S, RD, and IL-districts, there are no reasonable options to the reduction that allow **development** of the site to be designed and located in a way that complies with LMO standards.~~
- c) Remove Adjacent Use Setback waivers. In Table 16-5-102.D, remove the following text from footnote (6):

- (6) ~~May be reduced by up to 10 percent in any district on demonstration to the **Official** that:~~
- ~~a. The reduction is consistent with the character of development on surround land;~~
 - ~~b. **Development** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
 - ~~c. The reduction either (1) is required to compensate from some unusual aspect of the site or the proposed development, or (2) results in improved site conditions for a development with nonconforming site features (e.g., allows the extensive of a wall or fence that screens an existing outdoor storage area);~~
 - ~~d. The reduction will not pose a danger to the public health or safety;~~
 - ~~e. Any adverse impacts directly attributable to the reduction are mitigated (e.g. the closer proximity of building to a property line are mitigated by a wider or more densely screened adjacent use buffer along that property line); and~~
 - ~~f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 10 percent.~~

Exhibit A- Proposed LMO Amendments

- d) Remove Adjacent Use Setback waiver and provide a provision for properties that function together. In Section 16-5-102.D, revise provision (4) that states:

~~(4) The Official may waive the requirement for an adjacent use setback for non-single family properties on determining that the proposed development and the adjacent development function as a single development. The criteria to determine if the properties will function as a single development may include the recording of a cross access easement agreement between the two properties. There is no adjacent use setback requirement for non-single-family properties when the proposed development and the adjacent development function as a single development due to having either shared parking, connecting vehicular access or shared stormwater facilities. The recording of a cross access easement agreement between the two properties is required.~~

- e) Remove Adjacent Use Buffer waiver and provide a provision for properties that function together. In Section 16-5-103.E, revise provision (2) that states:

~~(2) The Official may waive the requirement for an adjacent use buffer for Non-single family properties on determining that the proposed development and the adjacent development function as a single development. The criteria to determine if the properties will function as a single development may include the recording of a cross access easement agreement between the two properties. There is no adjacent use buffer requirement for non-single-family properties when the proposed development and the adjacent development function as a single development due to having either shared parking, connecting vehicular access or shared stormwater facilities. The recording of a cross access easement agreement between the two properties is required.~~

- f) Remove Adjacent Street and Use Buffer waivers. In Section 16-5-103.F. Buffer Types, remove footnotes (6) and (7) that state:

~~(6) Minimum buffer widths and minimum planting requirements for adjacent street buffers may be reduced by up to 30 percent in the S District, 20 percent in the RD and IL Districts, and 15 percent in all other districts on demonstration to the Official that:~~

- ~~a. The reduction is consistent with the character of development on surrounding land;~~
- ~~b. Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
- ~~c. The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed development, or (b) results in improved site conditions for a development with nonconforming stie features;~~

Exhibit A- Proposed LMO Amendments

- d. ~~The reduction will not pose danger to the public health or safety;~~
 - e. ~~Any adverse impacts directly attributable to the reduction are mitigated;~~
 - f. ~~The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts; and~~
 - g. ~~In the S, RD, and IL districts, there are no reasonable options to the reduction that allow development of the site to be designed and located in a way that complies with LMO standards.~~
- (7) ~~Minimum buffer widths and minimum planting requirements for adjacent use buffers may be reduced by up to 10 percent any district on demonstration to the Official that:~~
- a. ~~The reduction is consistent with the character of development on surrounding land;~~
 - b. ~~Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
 - e. ~~The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed development, or (b) results in improved site conditions for a development with nonconforming stie features;~~
 - d. ~~The reduction will not pose danger to the public health or safety;~~
 - e. ~~Any adverse impacts directly attributable to the reduction are mitigated;~~
 - f. ~~The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts.~~
- g) Remove Access to Streets waiver in Section 16-5-105.J.8 its entirety and amend the Access to Street standards in Section 16-5-105.J.

(8) ~~Waiver~~

~~Where the **applicant** demonstrates that a **lot of record** would be rendered unusable by the strict application of the standards in this subsection (Sec. 16-5-105.), Access to Streets) and that the vehicular **access** point is otherwise optimally located so as to provide acceptable turning radii and minimize adverse impact (including turning movements and visual impact of “strip **development**” resulting from the less than minimum separation of **access** points from the **roadway**), the **Official** may waive the standard. A request for such a waiver shall be accompanied by:~~

- a. ~~Ownership and recording data associated with the **lot of record**;~~
- b. ~~Written evidence that an **applicant** has explored all feasible alternatives to the standard for controlled vehicular **access**—including, but not limited to, joint use with adjoining properties, vehicular **access** from **adjacent** minor **streets**, and establishment of **frontage** space or **frontage** street **access**;~~

Exhibit A- Proposed LMO Amendments

- ~~e. Qualification of the request in a format consistent with that for a variance request (see Sec. 16-2-103.S, Variance); and~~
- ~~d. A map or plan showing the proposed vehicular *access* and the surveyed distances to nearest existing ingress/egress points.~~

(J) Access to Streets

1. Major Arterials

Along the same side of major arterials, no street, driveway, or other vehicular access point shall enter at a point nearer than 500 feet from the centerline of an existing or final approved street, driveway, or other vehicular access point to the centerline of the proposed vehicular access unless the lot would be rendered unusable by the strict application of this standard, in which case the access point should be optimally located.

2. Minor Arterials

Along the same side of minor arterials no street, driveway, or other vehicular access point shall enter at a point nearer than 200 feet from the centerline of an existing or final approved street, driveway, or other vehicular access point to the centerline of the proposed vehicular access unless the lot would be rendered unusable by the strict application of this standard, in which case the access point should be optimally located.

3. All Other Streets

Along the same side of all other streets, no street, driveway, or other vehicular access point shall enter at a point nearer than 100 feet from the centerline of an existing or final approved street, driveway, or other vehicular access point to the centerline of the proposed vehicular access unless the lot would be rendered unusable by the strict application of this standard, in which case the access point should be optimally located — provided, however, that this minimum separation standards shall not apply to vehicular access points serving single-family dwellings in subdivisions.

- h) Remove Minimum Number of Parking Spaces waiver. In Table Section 16-5-107.D.1, remove the following table note in its entirety:

~~(4) The minimum number of vehicle parking spaces may be reduced by up to 15 percent in the CR, SPC, CC, and MS Districts, and 10 percent in all other districts, on demonstration to the *Official* that:~~

- ~~a. The reduction is consistent with the character of *development* on surround *land*;~~

Exhibit A- Proposed LMO Amendments

- ~~b. **Development** resulting from the reduction is consistent with the purpose and intent of the parking standards;~~
 - ~~c. The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the widening of an **adjacent** nonconforming buffer);~~
 - ~~d. The reduction will not pose a danger to the public health or safety;~~
 - ~~e. Any adverse impacts directly attributable to the reduction are mitigated;~~
 - ~~f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 15 percent in the CR, SPC, CC, and MS Districts or 10 percent in all other districts; and~~
 - ~~g. At least one bicycle parking space is provided for every two vehicle parking spaces subtracted.~~
- i) Remove passenger pick up waiver in Section 16-5-107.D.9, as shown in the following revision:
- (9) Temporary Parking for Passenger Drop-Off and Pick-Up
Uses that involve the frequent stopping of vehicles (including taxis, limousines, vans, and passenger vehicles) to drop-off or pick-up passengers (e.g., schools, recreation/entertainment facilities, **hotels**)—and especially **nightclubs**, bars, or **eating establishments** that serve alcohol—are encouraged to supplement required parking with a designated area for temporary parking and the dropping off or picking up of passengers. Such spaces shall comply with parking space dimension standards, ~~but the **Official** may waive other parking standards as necessary to accommodate such areas~~
- j) Remove Drainage Design Standards waiver in Section 16-5-109.D.2.c, as shown in the following revision for Pre-Development Peak Discharge Rates:
- (c) ~~The Town Engineer may waive this peak discharge requirement~~ is not required upon the Town Engineer ~~on~~ determining that the **applicant** has demonstrated that:
 - (i) A suitable means of flow into a downstream tidal discharge point is accessible by means of recorded permanent storm drainage easements, through drainage infrastructure that will adequately convey the peak discharge from the 100-year storm without any adverse impacts on downstream properties; or
 - (ii) The **development** includes a drainage system with adequate capacity to carry site flows to an ultimate downstream tidal discharge point.

Exhibit A- Proposed LMO Amendments

- k) Remove subdivision standard waiver in Section 16-5-115.C.3., as shown in the following revision:
- (3) The applicant is required to demonstrate that they have made all reasonable efforts to preserve unique and fragile elements on site, including but not limited to wetlands, significant stands of *trees* and individual *trees* of significant size, with *development* reserved for environmentally stable areas. ~~Where the applicant demonstrates that a *lot of record* would be rendered unusable by the strict application of this requirement, the *Official* may waive the standard. A request for such a waiver shall be accompanied by:~~
- ~~a. — Written evidence that an applicant has explored all feasible alternatives to the standard for tree and wetland preservation;~~
 - ~~b. — Qualification of the request in a format consistent with that for a variance request (see Sec. 16-2-103.S, Variance); and~~
 - ~~c. — A plan showing the alternatives explored.~~
- l) Remove Wetland Buffer Width waiver. In section 16-6-102.D.2.b, remove the following provision in its entirety:
- ~~(b). — The *Official* may authorize a reduction in the average or minimum *wetland buffer* width by up to ten percent on determining that pollution of the wetlands due to *adjacent land* disturbance is comparably reduced due to site specific conditions (e.g., the buffer area drains away from the wetlands) or because the *adjacent development* is designed to reduce the flow, and maximize the filtration, of stormwater runoff towards the wetlands beyond the extent required by stormwater management regulations.~~
- m) Remove Minimum Tree Coverage waiver. In Section 16-6-104.G.1.c , revise the following provision:
- (c) For the construction of any public *street*, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility, the applicant is required to demonstrate that they have made all reasonable efforts to save significant trees and stands of trees. ~~In these cases, at the discretion of the official, a centerline field inspection may relieve the applicant of the tree survey requirement.~~ Reasonable tree replanting shall be required by the Official for these uses.
- n) Remove Height waiver. In Table Section 16-10-102.C.2.b, remove the following provision in its entirety:
- ~~(b) The *Official* may approve architectural elements such as church steeples, spires, and chimneys that do not exceed the otherwise allowable *height* by more than 20 percent.~~

Exhibit A- Proposed LMO Amendments

2. Variances

Revise Section 16-2-103.S.2 to allow variances from all sections of the LMO (other than for use, height and density) and not just what is listed in this section currently.

(2) Applicability

The Variance procedure may be used to seek and obtain relief from the standards of this LMO except for *uses* outlined in LMO Section 16-4-102.A.6, Principal Use Table, *height* and *density* standards. following standards:

- a. ~~The district standards in Chapter 16-3: Zoning Districts, except standards designating permitted or prohibited *uses*, and setting maximum *density*;~~
- b. ~~The *use* specific conditions in Chapter 16-4: Use Standards;~~
- c. ~~The following standards in Chapter 16-5: Development and Design Standards: adjacent setback and buffer standards; *open space* standards; parking and loading standards and fence and wall standards; and~~
- d. ~~The following standards in Chapter 16-6: Natural Resource Protection: *specimen tree* and *wetland buffer* standards.~~

3. Bicycle Shops

Revise Section 16-4-102.B.7.c regarding bicycle shops as follows:

(c) A *bicycle shop* shall comply with the following conditions.

- i. ~~Outdoor storage is permitted only in the CR, SPC, MS, WMU, S, MF, MV, and RD Districts. Outdoor storage for *bicycle shops* includes the storage of bicycles and all bicycle accessories.~~
- ii. ~~Bicycle processing, which includes the loading, unloading and washing of bicycles, is not considered *outdoor storage*. The location for the bicycle processing shall be identified on a site plan and approved by staff.~~
- iii. ~~ii. Vegetation, fences, ~~and~~ or walls shall be installed to screen *outdoor storage* areas.~~
- iv. ~~Each *outdoor storage* area shall be incorporated into the overall design of the principal *structure* on the site.~~
- v. ~~iii. In the S District, a *bicycle shop* shall not have direct vehicular *access* to a major arterial.~~

4. Nano Brewery Definition

In Section 16-10-103.I. Industrial Uses, revise the use classification for Manufacturing in Section 16-10-103.I.2 as follows:

A manufacturing *use* is primarily engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples of manufacturing *uses*

Exhibit A- Proposed LMO Amendments

include catering establishments; woodworking, cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; motion picture production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of equipment, instruments, including musical instruments, appliances, precision items and other electrical items; production of artwork and toys; ~~and sign making; and breweries~~. This *use* type does not include *seafood processing*. This use type does not include small scale breweries such as nano or micro-breweries, which are classified as a Nightclub, Bar or Eating Establishment.

5. Traffic Impact Analysis Traffic Counts

In Section 16-5-106.C – Traffic Analysis Standards, revise as follows:

(C) Traffic Impact Analysis Plan Standards

All required traffic impact analysis plans shall, at a minimum, indicate compliance or non-compliance with the standards of this section.

1. The average total delay in seconds per vehicle for each signalized intersection does not exceed 55.0 seconds during the *peak hour* for an average ~~June~~ July weekday; and
2. The volume-to-capacity (V/C) ratio for each signalized intersection does not exceed 0.90 during the *peak hour* for an average ~~June~~ July weekday; and
3. The average total delay on any approach to a traffic circle or roundabout does not exceed 150 seconds per vehicle during the *peak hour* for an average ~~June~~ July weekday.

6. Certificate of Compliance

In Section 16-2-103.P.3.b – Certificate of Compliance, amend provisions for a Temporary Certificate of Compliance as follows:

(b) Staff Review and Action

On receiving an *application*, the *Official* shall review and make a final decision on the *application* in accordance with Sec. 16-2-102.D, subject to the following procedures:

- i. Following review of the *application*, the *Official* shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of this *Ordinance*—including, but not limited to, the requirements of the approved Subdivision Plan, Development Plan, Small Residential Development, or other applicable permits and *development* approvals.

Exhibit A- Proposed LMO Amendments

- ii. After the final site inspection, the **Official** shall either approve or deny the **application**, based on compliance with Sec. 16-2-103.P.4, Certificate of Compliance Review Standards.
- iii. The **Official** may issue a Temporary Certificate of Compliance ~~for a period up to a maximum of six months where the only uncompleted development consists of landscaping/tree planting that is deferred until more appropriate weather conditions for planting is expected (e.g., deferring plantings from hot summer months to cooler autumn months).~~ subject to a performance guarantee of improvements for a period up to a maximum of 18 months where the only uncompleted **development** consists of landscaping/**tree** planting that is deferred due to inappropriate weather conditions for planting (e.g., deferring plantings from hot summer months to cooler autumn months) or the likelihood that landscaping or trees will be damaged during additional construction activities related to a residential subdivision.
- iv. Performance Guarantee of Improvements. If landscaping installations are not completed and accepted by the **Town** prior to issuance of a Certificate of Compliance, a Temporary Certificate of Compliance may be issued and shall be subject to the posting of a performance guarantee with conditions satisfactory to the **Town**, providing for and securing to the **Town** the actual construction and installation of improvements.
 01. Form of Guarantee. Where required, the **applicant** shall furnish a performance guarantee in any of the following acceptable forms:
 - (A) Cash deposit with the **Town**;
 - (B) Certified check from a Federal or South Carolina banking institution based upon a cash deposit, in a form acceptable to the **Town Attorney**;
 - (C) Irrevocable letter of credit from a Federal or South Carolina banking institution in a form acceptable to the **Town Attorney**; or
 - (D) Any other financial security found acceptable by the **Town Attorney**.
 02. Length of Time of Guarantee. The term of the performance guarantee shall reflect any time limit for completing installation of required landscaping not to exceed 18 months.
 03. Amount of Guarantee. Performance guarantees for the completion of landscaping shall be a minimum of 125 percent of the cost of materials and labor required for completion.

Exhibit A- Proposed LMO Amendments

04. Final Plat. Where a performance guarantee is accepted by the *Town* in-lieu of the completion of landscaping installation in a subdivision, the final plat shall include the following statement:

“THIS FINAL PLAT IS SUBJECT TO A PERFORMANCE GUARANTEE, WHICH MEANS THAT ALL REQUIRED LANDSCAPING IS NOT COMPLETED. ISSUANCE OF BUILDING PERMITS PRIOR TO COMPLETION OF LANDSCAPING SUBJECT TO THE PERFORMANCE GUARANTEE SHALL OCCUR AT THE SOLE DISCRETION OF THE TOWN OF HILTON HEAD ISLAND. IN THE EVENT THE DEVELOPER DEFAULTS AND THE TOWN MUST COMPLETE THE LANDSCAPING, THE DEVELOPER WILL BE ASSESSED ANY DIFFERENCE BETWEEN THE AMOUNT OF THE PERFORMANCE GUARANTEE AND ACTUAL CONSTRUCTION COST.”

05. Release of Guarantee.

(A) Release. Release of a performance guarantee shall occur after the Town Project Manager determines that the landscaping in-lieu of which the guarantee was accepted is complete.

(B) Partial Release. A partial release of a performance guarantee is prohibited.

(C) Release to be Recorded. The *Town* shall record all releases of performance guarantees, or the *Town*'s final acceptance of landscaping installation, in the *Beaufort County Register of Deeds*.

06. Forfeiture of Security.

(A) Notice of Failure to Install or Complete Landscaping. If an *applicant* fails to properly install all required landscaping within the term of the performance guarantee, the *Town* shall give 30 days' written notice to the *applicant* by certified mail, after which time the *Town* may draw on the security and use the funds to complete the required installation.

(B) Town Completion of Landscaping. After completing the required landscaping installation, the *Town* shall provide a complete accounting of the expenditures (to include administrative fees) to the *applicant* and, as applicable, refund all unused security deposited, without interest.

7. Signs with Changeable Copy

(a) In Section 16-5-114.H.10. Standards for Specific Types of Signs, amend provisions as follows:

Exhibit A- Proposed LMO Amendments

(10) Signs with Changeable Copy.

a. Description of Changeable Copy Types.

i. Manually activated **changeable copy** shall mean a sign or portion of a sign that can be changed or re-arranged manually or mechanically, and has a readerboard for the display of text information in which each alphanumeric character, graphic, or symbol is defined by objects, not consisting of an illumination device.

ii. Electronically activated **changeable copy** shall mean a sign or portion of a sign that can be changed by means of remote electrically energized on-off switching combinations of alphanumeric character, graphic, or symbol.

b. a. Signs with **changeable copy** are limited to one sign per **street frontage** per **parcel**.

c. b. The total size of **changeable copy** shall not exceed 20 square feet per **sign face**, with no more than three lines of **copy**.

d. c. **Copy height** shall be eight inches maximum and four inches minimum.

e. d. **Copy** shall be securely fastened to the **sign face** and neatly maintained.

f. e. **Changeable copy** shall be limited to announcing:

i. **On-premises special events**.

ii. Motion pictures or entertainment at a theater whose primary function is to provide musical or dramatic events; or

iii. Gasoline prices as described in Sec. 16-5-114.H.11, Price Displays at Gas Establishments.

g. f. Permanent Special Event Signs as described in Sec. 16-5-114.H.8, Permanent Special Event Signs, are exempt from the requirements of this section.

h. Minimum Fixed Period. Electronic **changeable copy** shall remain fixed and should be changed no more than twice per day.

i. Transition Between Copy. The duration of change between electronic **changeable copy** shall be accomplished within two seconds or less.

(b) In Section 16-10-105. General Definitions, amend the definition of ‘Changeable Copy’ as follows:

Any **copy** or **graphics** on a sign designed to be changed manually ~~in the field~~ or electronically.

8. Building Height Measurement.

Exhibit A- Proposed LMO Amendments

(a) In Section 16-3-106.H.4.a.ii- Forest Beach Neighborhood Character Overlay District Standards, amend the provisions as follows:

i. In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback Standards, a side, and rear adjacent use setback shall be required.

ii. Setbacks shall comply with the standards of Sec. 16-5-102, Setback Standards, except that the 65 degree setback angle shall be measured from 20 feet above thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or pre-development grade, whichever is higher the required *base flood elevation*.

(b) In Section 16-3-106.I.4.a.ii- Folly Field Neighborhood Character Overlay District Standards, amend the provisions as follows:

In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback Standards, with the exception that *structures* greater than 24 inches in *height* along minor arterials are required to have a minimum adjacent street setback of 20 feet, the following setbacks shall be required.

i. Rear yard setbacks shall be a minimum of ten percent of *lot* depth or ten feet, whichever is greater.

ii. Side yard setbacks shall each contain a minimum of ten percent of the total *lot* width.

iii. Maximum setback angle of 65 degrees shall be measured from 20 feet above thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or pre-development grade, whichever is higher the required *base flood elevation*.

(c) In Section 16-3-106.J.4.a.ii- Holiday Homes Neighborhood Character Overlay District Standards, amend the provisions as follows:

In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback Standards, the following setbacks shall be required:

i. Rear yard setbacks shall be a minimum of ten feet.

ii. Side yard setbacks shall be a minimum of ten feet; however, to preserve existing *trees*, any one side yard setback may be reduced to five feet provided the sum of the required side yard setbacks equals at least 20 feet.

01. A *lot* with less than 50 feet of *street frontage* or less than 0.15 acres in area shall be permitted to reduce side yard setbacks to a minimum of five feet.

02. Dwelling units that are nonconforming as to the side yard setbacks identified above are permitted to be expanded along the subject boundary line; however, *expansions* shall

Exhibit A- Proposed LMO Amendments

be constructed no closer than five feet from the side property line.

03. Side yard setback angles shall be a minimum of 65 degrees measured from 20 feet above thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or *pre-development grade*, whichever is higher the required *base flood elevation* (BFE), at the setback line. The illustration in Sec. 16-5-102.D, Adjacent Use Setback Requirements, can be referenced for an example of a setback angle.

(d) In Section 16-5-102.C, amend the text in Table 16-5-102.C, footnote (2) as follows:

2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above 13 feet above Mean Sea Level for residential use or 11 feet above Mean Sea Level for nonresidential use, ~~the base flood elevation~~ or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.C, Street Setback Angle).

(e) In Section 16-5-102.C- Adjacent Street Setbacks and 16-5-102.D – Adjacent Use Setbacks, amend the Figures illustrating the Setback Angles to measure height according to the height definition.

(f) In Section 16-5-102.D, amend the text in Table 16-5-102.D, footnote (2) as follows:

2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above 13 feet above Mean Sea Level for residential use or 11 feet above Mean Sea Level for nonresidential use, ~~the base flood elevation~~ or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.D, Use Setback Angle).

(g) In Section 16-10-102 – Rules of Measurement, amend Section 16-10-102.C.1.a as shown below.

(C) Height

1. Calculation of Height

a. Maximum structure height for development in each zoning district shall be calculated as follows:

i. Residential maximum building height shall be measured from thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or *pre-development grade*, whichever is higher; and

Exhibit A- Proposed LMO Amendments

- ii. Nonresidential maximum building height shall be measured from eleven feet (11') above mean sea level using the NAVD 88 vertical datum or *pre-development grade*, whichever is higher.

9. Minor Subdivision Requirements

In Appendix D: D-5. – Subdivision Review, Minor, amend as follows:

(A) Submittal Requirements

A minor subdivision plat shall be submitted with each of the items set forth in D-4, Subdivision Review, Major, with the exception of the following:

- ~~1. Item C., Certification of Owner's Consent;~~
- 1. 2. Item F., Open space and Public Dedication narrative; and
- 2. 3. Item H., Subdivision in Phases.

10. Deviations to Approved Single-Family Residential Subdivisions

(a) In Section 16-2-102.E.2 – Hearing Notice Requirements, amend Table 16-2-102.E.2 as follows:

<u>Subdivision Amendment</u>	<u>Publish notice of the hearing no less than 15 calendar days before the hearing date</u>	<u>Mail notice of the hearing to all owners of record of properties located within the subdivision no less than 15 calendar days before the hearing date</u>	<u>Post conspicuous notice of the hearing at the entrance of the subdivision no less than 15 days before the hearing date</u>
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(b) In Section 16-2-103.F – Subdivision Review (Minor or Major), amend as follows:

7. ~~Amendment~~ Deviations to Platted Single-Family Residential Subdivisions

~~An approved Minor or Major Subdivision may be modified or amended only in accordance with the procedures and standards established for its original approval.~~

- a. For a previously platted single-family residential subdivision, any changes proposed to be made to commonly owned property such as open

Exhibit A- Proposed LMO Amendments

space, rights-of-way, amenities and parking or any lot combinations or subdivisions that will result in an increase in density or additional lots shall require approval by the Planning Commission following a public hearing of the Planning Commission.

b. A decision to approve a proposed change to a previously platted subdivision shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of lots in the subdivision arising from:

i. Increased burdens on utility of roadways caused by off-site parking;

ii. Increased burdens on amenities in the subdivision caused by increased numbers of dwelling units;

iii. Overcrowding in the subdivision;

iv. Increased noise and traffic in the subdivision; and

v. Decreased utility of amenities and other commonly owned property.



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: John M. Troyer, *Director of Finance*
VIA: Marc Orlando, *ICMA-CM, Town Manager*
CC: Josh Gruber, *Deputy Town Manager*
DATE: December 19, 2022
SUBJECT: CY 2023 State Accommodations Tax Grant Recommendations

RECOMMENDATION:

Staff recommends that Town Council review the attached Accommodations Tax Advisory Committee (ATAC) recommendations and consider grant applications submitted for the Town Council's calendar year 2023 Accommodations Tax grants at its meeting on January 17, 2023. Also provided for your review on the Town's website are the applications at the following link: <https://hiltonheadislandsc.gov/atax/applications/2023> on the Town's website.

A draft resolution is included as attachment 5. A resolution only requires one reading. Once Town Council awards the grants, agencies are able to begin implementation of the activities described in the grant applications.

BACKGROUND:

The Town collects 3% State Accommodations Taxes each year. State law prescribes how those funds must be spent. State law guidance in section 6-5-10(see attached) includes:

- (1) The first \$25,000 to the General Fund
- (2) 5% of the remaining balance to the General Fund
- (3) 30% of the balance to a special fund for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity as managed and directed by the Town's designated marketing organization.
- (4) (a) The remaining balance for tourism-related expenditures. This sections specifically includes, "This section does not prohibit a municipality or county from using accommodations tax general fund revenues for tourism-related expenditures."

(b) The funds received by a county or municipality which has a high concentration of tourism activity may be used to provide additional county and municipal services including, but not limited to, law enforcement, traffic control, public facilities, and highway and street maintenance, as well as the continual promotion of tourism. The funds must not be used as an additional source of revenue to provide services normally provided by the county or municipality but to promote tourism and enlarge its economic benefits through advertising, promotion, and providing those facilities and services which enhance the ability of the county or municipality to attract and provide for tourists.

"Tourism-related expenditures" include:

(i) advertising and promotion of tourism so as to develop and increase tourist attendance through the generation of publicity;

(ii) promotion of the arts and cultural events;

(iii) construction, maintenance, and operation of facilities for civic and cultural activities including construction and maintenance of access and other nearby roads and utilities for the facilities;

(iv) the criminal justice system, law enforcement, fire protection, solid waste collection, and health facilities when required to serve tourists and tourist facilities. This is based on the estimated percentage of costs directly attributed to tourists;

(v) public facilities such as restrooms, dressing rooms, parks, and parking lots;

(vi) tourist shuttle transportation;

(vii) control and repair of waterfront erosion, including beach renourishment;

(viii) operating visitor information centers.

SUMMARY:

The Accommodations Tax Committee (ATAC) received 34 applications for grant funding totaling \$5,100,592. The funding requests were reviewed by the Committee and by staff. The Committee held hearings to review the applications with each requestor. Based on the reviews the ATAC determined \$5,033,548 of the \$5,100,592 were eligible to be considered for ATAX funding. ATAC has recommended the attached list totaling \$5,033,548. The Chairman's letter is attached which describes the applicants' requests, deliberations, and the Committee's recommendations.

Town Council has the authority to approve expenditure of ATAX funds by the Town to provide for tourist-related expenditures in accordance with state law SC Code 6-5-10 et al.

Please refer to attachments:

- 1) Recommendation letter from Jim Fluker, ATAC Chair
- 2) South Carolina State law excerpt relating to ATAX 6-5-10 et al.
- 3) Chart from the Town of Hilton Head Island on ATAX revenues and expenditures
- 4) Chart of Town Council's ATAX grants from 2018 to 2022 and 2023 recommendations
- 5) 2023 Accommodations Tax Grant Resolution

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

To: Mayor Alan Perry, Town of Hilton Head Island
Town Council Members, Town of Hilton Head Island

Cc: Marc Orlando, *ICMA-CM, Town Manager*
Josh Gruber, *Deputy Town Manager*

From: James Fluker, Chairman, Accommodations Tax Advisory Committee

Date: December 19, 2022

Subject: Calendar Year 2023 Accommodations Tax Advisory Grants Recommendations

On November 3, 2022, the Accommodations Tax Advisory Committee (ATAC) met to make grant funding recommendations for 34 ATAC grant applications that were solicited from our traditional 2022 grant cycle. As a result, the ATAC was pleased to make funding recommendations on all 34 of the submitted ATAC grant applications.

Total Applicant Funding Requests	\$5,100,592
Total Available Funding for Grants (after required \$50,000 reserve)	\$5,100,592
ATAC Funding Recommendations for Grants	\$5,033,548

As with past practice, the ATAC has worked to establish a consistent philosophy in how applications are reviewed and prioritized. Over the past five years, the review and recommendation approach of the ATAC has evolved through continuous improvement into the following guiding principles:

Economic Growth Through Tourism - Does the applicant organization drive overnight visitors to Hilton Head Island?

Creation of Sustainable Visitor Traffic - Does the applicant organization enhance or improve the visitor experience on Hilton Head Island creating opportunities that would encourage visitors to return to Hilton Head Island?

Collaboration Amongst Organizations - How well does the applicant organization collaborate with other local organizations, especially fellow grant applicants? Where possible, do applicants cross-promote each other to further enhance the visitor experience?

Organization Viability and Return on Investment - Does the organization possess a clear vision and an achievable direction? Does the organization have other sources of public and private support available? What is the organization's long-term dependency on ATAX funding going to be? Do established applicant organizations have the financial means to support themselves without an ATAX award for the upcoming year and/or beyond? Do organizations with a strong balance sheet have a strategic plan for their cash reserves?

Operational Confidence - How well do the applicant organizations understand their operations? Do they track and report metrics, do they provide sufficient transparency and are they accountable for their results?

The Committee also strives to enhance the grant review process as it is important to evolve our thinking to the strategic focuses of the Town, the best practices of other ATAX municipalities and evaluate feedback solicited through the past year.

To provide an additional layer of summary with our recommendation, each application has been broken out into sections categorizing, at the highest level, the type of recommendation each application received from the Committee this year. These two categories will group applications together based on whether they received recommendations for full or partial funding. A spreadsheet was displayed during the meeting listing all applicants along with the amount each applicant requested. The Committee Members discussed each individual application and ultimately, the Accommodations Tax Advisory Committee decided upon the following for funding:

Applicants Receiving Recommendations of Full Funding

With the passing of the global pandemic of COVID-19, the Committee was in a fortunate position to make several full-funding recommendations. The Committee felt that the twenty-seven organizations that fell into this category were thoughtful with their grant requests, demonstrated a reasonable financial need, and were able to show a strong Return on Investment (ROI) with how they chose to invest their financial resources to drive and enhance tourism on Hilton Head Island. Furthermore, the Committee is cautious in recommending increased year over year funding to ensure that a new benchmark would not be created that could adversely impact the applicant in upcoming years if the same funding levels were not available in the future.

	<u>Request</u>	<u>Committee Recommends</u>	<u>Variance</u>
Art League of Hilton Head	\$ 75,000	\$ 75,000	-
Arts Center of Costal Carolina	\$ 420,000	\$ 420,000	-
David M. Carmines Memorial Foundation	\$ 181,000	\$ 181,000	-
Harbour Town Merchants	\$ 29,000	\$ 29,000	-
Hilton Head Audubon Society	\$ 17,588	\$ 17,588	-
Hilton Head Concours d'Elegance	\$ 385,000	\$ 385,000	-
Hilton Head Dance Theater	\$ 20,000	\$ 20,000	-
Hilton Head Island Airport	\$ 155,000	\$ 155,000	-
Hilton Head Island Bridge Assoc.	\$ 15,000	\$ 15,000	-
Hilton Head Island Recreation Assoc.	\$ 60,000	\$ 60,000	-
Hilton Head Wine & Food Inc. (Rhythm & Brews Fest.)	\$ 25,000	\$ 25,000	-
Hilton Head Wine & Food Inc. (Wine & Food Fest.)	\$ 130,000	\$ 130,000	-
Hilton Head Island-Bluffton Chamber of Comm	\$ 710,000	\$ 710,000	-
Hilton Head Symphony Orchestra	\$ 300,000	\$ 300,000	-
Lean Ensemble Theater	\$ 50,000	\$ 50,000	-
Lowcountry Golf Course Owners Assoc.	\$ 50,000	\$ 50,000	-
Mitchellville Preservation Project	\$ 185,000	\$ 185,000	-
Native Island Business & Community Assoc.	\$ 235,000	\$ 235,000	-
Sea Turtle Patrol HHI	\$ 64,500	\$ 64,500	-
Shelter Cove Harbour Company	\$ 195,000	\$ 195,000	-
TEDx Hilton Head	\$ 25,000	\$ 25,000	-
The Boys & Girls Club of Hilton Head	\$ 35,000	\$ 35,000	-
The Coastal Discovery Museum (Operations)	\$ 325,000	\$ 325,000	-
The Coastal Discovery Museum (Honey Horn)	\$ 695,350	\$ 695,350	-
The First Tee of the Lowcountry	\$ 40,000	\$ 40,000	-
The Heritage Library	\$ 118,000	\$ 118,000	-
The Sandbox	\$ 59,895	\$ 59,895	-
Total Full Funding	\$4,600,333	\$4,600,333	\$ 0

Applicants Receiving Recommendations of Partial Funding

Seven organizations were not recommended for full funding, despite otherwise being eligible. Five organizations were not recommended for full funding due to TERC based funding caps. The ATAC's approach has been to evaluate the individual merit of each application irrespective of total available funding. The ATAC feels strongly that partial funding should not be considered as a negative reflection on the organization. The final determination fell within Staffs guidelines for partial funding for budgetary reasonings. Furthermore, the Committee was cautious in recommending increased year over year funding to ensure that a new benchmark would not be created that could adversely impact the applicant in upcoming years if the same funding levels were not available in the future. A total of seven organizations were impacted by the Committee's partial funding recommendations. This resulted in a \$67,044 variance between what the applicant requested and what the Committee recommended. The Committee believes in making recommendations in the highest and best use of the available funds and felt comfortable making these specific partial-funding recommendations for this year's grant requests.

	<u>Request</u>	<u>Committee Recommends</u>	<u>Variance</u>	
Gullah Museum of Hilton Head Island	\$ 150,000	\$ 139,700	(\$ 10,300)	TERC Based
Hilton Head Choral Society	\$ 40,000	\$ 10,000	(\$ 30,000)	
Hilton Head Island St. Patrick's Day Parade	\$ 86,000	\$ 71,704	(\$ 14,296)	TERC Based
Long Cove Club	\$ 54,259	\$ 51,442	(\$ 2,817)	TERC Based
Lowcountry Gullah	\$ 100,000	\$ 95,889	(\$ 4,111)	TERC Based
The Outside Foundation	\$ 60,000	\$ 59,480	(\$ 520)	TERC Based
World Affairs Council of HH	\$ 10,000	\$ 5,000	(\$ 5,000)	
Total Partial Funding	\$ 500,259	\$ 433,215	(\$ 67,044)	

Full Funding	\$ 4,600,333
Partial Funding	\$ 433,215
Total CY 2023 Grant Funding	\$ 5,033,548

This memo is not meant to encompass all the applicant data or information, as this can be further referenced within each individual grant application that was submitted for the 2023 grant cycle.

At the conclusion of the meeting, Mr. Thomas made a motion to approve the recommendations as assigned and displayed on the projected spreadsheet (summarized above). Ms. Martin seconded the motion. All Committee members voted unanimously to approve, (except for individual line items where individual members recused themselves-during the meeting). For record purposes, Mr. Arnold abstained from voting as he was a candidate seeking election as a Town Council member and he did not want to vote on recommendations that he could potentially have to vote on as a Council member. The final vote made by roll call was, 6-0-1.

Respectfully submitted on behalf of the Accommodations Tax Advisory Committee,

James Fluker, Chairman

2023 Accommodations Tax Advisory Committee Members:

James Fluker, Chairman
 Stephen Arnold, Vice Chairman
 Richard Thomas
 Julie Martin
 John Farrell
 James Berghausen
 Margaret Johnson

SECTION 6-4-5. Definitions.

As used in this chapter:

- (1) "County area" means a county and municipalities within the geographical boundaries of the county.
- (2) "Cultural", as it applies to members of advisory committees in Section 6-4-25, means persons actively involved and familiar with the cultural community of the area including, but not limited to, the arts, historical preservation, museums, and festivals.
- (3) "Hospitality", as it applies to members of the committees in item (2), means persons directly involved in the service segment of the travel and tourism industry including, but not limited to, businesses that primarily serve visitors such as lodging facilities, restaurants, attractions, recreational amenities, transportation facilities and services, and travel information and promotion entities.
- (4) "Travel" and "tourism" mean the action and activities of people taking trips outside their home communities for any purpose, except daily commuting to and from work.

HISTORY: 1991 Act No. 147, Section 1; 2001 Act No. 74, Section 2; 2002 Act No. 312, Section 2.

SECTION 6-4-10. Allocation to general fund; special fund for tourism; management and use of special fund.

The funds received by a municipality or a county in county areas collecting more than fifty thousand dollars from the local accommodations tax provided in Section 12-36-2630(3) must be allocated in the following manner:

- (1) The first twenty-five thousand dollars must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.
- (2) Five percent of the balance must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.
- (3) Thirty percent of the balance must be allocated to a special fund and used only for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity. To manage and direct the expenditure of these tourism promotion funds, the municipality or county shall select one or more organizations, such as a chamber of commerce, visitor and convention bureau, or regional tourism commission, which has an existing, ongoing tourist promotion program. If no organization exists, the municipality or county shall create an organization with the same membership standard in Section 6-4-25. To be eligible for selection the organization must be organized as a nonprofit organization and shall demonstrate to the municipality or county that it has an existing, ongoing tourism promotion program or that it can develop an effective tourism promotion program. Immediately upon an allocation to the special fund, a municipality or county shall distribute the tourism promotion funds to the organizations selected or created to receive them. Before the beginning of each fiscal year, an organization receiving funds from the accommodations tax from a municipality or county shall submit for approval a budget of planned expenditures. At the end of each fiscal year, an organization receiving funds shall render an accounting of the expenditure to the municipality or county which distributed them. Fees allocated pursuant to this subsection must not be used to pledge as security for bonds and to retire bonds. Also, fees allocated pursuant to this subsection must be allocated to a special fund and used only for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity, and not used to pledge as security for bonds and to retire bonds.
- (4)(a) The remaining balance plus earned interest received by a municipality or county must be allocated to a special fund and used for tourism-related expenditures. This section does not prohibit a municipality or county from using accommodations tax general fund revenues for tourism-related expenditures.
- (b) The funds received by a county or municipality which has a high concentration of tourism activity may be used to provide additional county and municipal services including, but not limited to, law enforcement, traffic control, public facilities, and highway and street maintenance, as well as the continual promotion of tourism. The funds must not be used as an additional source of revenue to provide services normally provided by the county or municipality but to

promote tourism and enlarge its economic benefits through advertising, promotion, and providing those facilities and services which enhance the ability of the county or municipality to attract and provide for tourists.

"Tourism-related expenditures" include:

(i) advertising and promotion of tourism so as to develop and increase tourist attendance through the generation of publicity;

(ii) promotion of the arts and cultural events;

(iii) construction, maintenance, and operation of facilities for civic and cultural activities including construction and maintenance of access and other nearby roads and utilities for the facilities;

(iv) the criminal justice system, law enforcement, fire protection, solid waste collection, and health facilities when required to serve tourists and tourist facilities. This is based on the estimated percentage of costs directly attributed to tourists;

(v) public facilities such as restrooms, dressing rooms, parks, and parking lots;

(vi) tourist shuttle transportation;

(vii) control and repair of waterfront erosion, including beach renourishment;

(viii) operating visitor information centers.

(c)(i) Allocations to the special fund must be spent by the municipality or county within two years of receipt. However, the time limit may be extended upon the recommendation of the local governing body of the county or municipality and approval of the oversight committee established pursuant to Section 6-4-35. An extension must include provisions that funds be committed for a specific project or program.

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment. The county or municipality annually shall notify the oversight committee, established pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

(d) In the expenditure of these funds, counties and municipalities are required to promote tourism and make tourism-related expenditures primarily in the geographical areas of the county or municipality in which the proceeds of the tax are collected where it is practical.

HISTORY: 1990 Act No. 612, Part II, Section 74B; 1991 Act No. 147, Section 1; 2010 Act No. 284, Section 2, eff upon approval (became law without the Governor's signature on June 28, 2010); 2014 Act No. 184 (S.294), Sections 1, 2, eff June 2, 2014.

Effect of Amendment

The 2010 amendment, in item (3), inserted "only" preceding "for advertising" in the first sentence and added the last two sentences.

2014 Act No. 184, Section 1, in subsection (4)(b), changed the paragraph designators from arabic to roman numbers"; and in subsection (4)(b)(vii), inserted ", including beach renourishment".

2014 Act No. 184, Section 2, rewrote subsection (4)(c).

SECTION 6-4-15. Use of revenues to finance bonds.

A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure

obligations to finance all or a portion of the cost of constructing facilities for civic activities, the arts, and cultural events which fulfill the purpose of this chapter. The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received by a municipality or county from the accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

HISTORY: 1991 Act No. 147, Section 1.

SECTION 6-4-20. Administration account established; State Treasurer's duties; distribution of account revenues; exceptions to tourism spending mandate.

(A) An accommodations tax account is created to be administered by the State Treasurer.

(B) At the end of each fiscal year and before August first a percentage, to be determined by the State Treasurer, must be withheld from those county areas collecting four hundred thousand dollars or more from that amount which exceeds four hundred thousand dollars from the tax authorized by Section 12-36-2630(3), and that amount must be distributed to assure that each county area receives a minimum of fifty thousand dollars. The amount withheld from those county areas collecting four hundred thousand dollars or more must be apportioned among the municipalities and the county in the same proportion as those units received quarterly remittances in Section 12-36-2630(3). If the total statewide collections from the local accommodations tax exceeds the statewide collections for the preceding fiscal year then this fifty thousand dollar figure must be increased by a percentage equal to seventy-five percent of the statewide percentage increase in statewide collections for the preceding fiscal year. The difference between the fifty thousand dollars minimum and the actual collections within a county area must be distributed to the eligible units within the county area based on population as determined by the most recent United States census.

(C) At the end of each fiscal year and before August first, the State Treasurer shall distribute to each county area collecting more than fifty thousand dollars but less than four hundred thousand dollars an additional fifteen thousand dollars. If the total statewide collections from the local accommodations tax exceed the statewide collections for the preceding fiscal year, this fifteen thousand dollar figure must be increased by a percentage equal to seventy-five percent of the statewide percentage increase in statewide collections for the preceding fiscal year. This amount must be distributed in the same manner as the fifty thousand dollars in subsection (B). The amount paid those qualified county areas under this subsection must be paid from the account created under this section.

(D) The amount withheld in excess must be distributed to the county areas whose collections exceed four hundred thousand dollars based on the ratio of the funds available to the collections by each county area.

(E) The accommodations tax funds received by a municipality or county in county areas collecting fifty thousand dollars or less are not subject to the tourism-related provisions of this chapter.

(F) Two percent of the local accommodations tax levied pursuant to Section 12-36-2630(3) must be remitted quarterly and equally to the eleven agencies designated by law and regional organizations to administer multi-county tourism programs in the state tourism regions as identified in the promotional publications of the South Carolina Department of Parks, Recreation and Tourism. This remittance is in addition to other funds that may be allocated to the agencies by local governments.

(G) The State Treasurer may correct misallocations to counties and municipalities from accommodations tax revenues by adjusting subsequent allocations, but these adjustments may be made only in allocations made in the same fiscal year as the misallocation.

HISTORY: 1990 Act No. 612, Part II, Section 74B; 1991 Act No. 147, Section 1; 1991 Act No. 168, Section 2.

Code Commissioner's Note

1991 Act No. 168, Section 2, originally amended this section by adding item "(5)." By direction of the Code Commissioner, the added text was redesignated as subsection "(G)" to conform to the designations in the earlier

amendment of this section by 1991 Act No. 147, Section 1.

SECTION 6-4-25. Advisory Committee; guidelines for expenditures; annual reports; reports to Accommodations Tax Oversight Committee.

(A) A municipality or county receiving more than fifty thousand dollars in revenue from the accommodations tax in county areas collecting more than fifty thousand dollars shall appoint an advisory committee to make recommendations on the expenditure of revenue generated from the accommodations tax. The advisory committee consists of seven members with a majority being selected from the hospitality industry of the municipality or county receiving the revenue. At least two of the hospitality industry members must be from the lodging industry where applicable. One member shall represent the cultural organizations of the municipality or county receiving the revenue. For county advisory committees, members shall represent the geographic area where the majority of the revenue is derived. However, if a county which receives more in distributions of accommodations taxes than it collects in accommodations taxes, the membership of its advisory committee must be representative of all areas of the county with a majority of the membership coming from no one area.

(B) A municipality or county and its advisory committee shall adopt guidelines to fit the needs and time schedules of the area. The guidelines must include the requirements for applications for funds from the special fund used for tourism-related expenditures. A recipient's application must be reviewed by an advisory committee before it receives funds from a county or municipality.

(C) Advisory committees shall submit written recommendations to a municipality or county at least once annually. The recommendations must be considered by the municipality or county in conjunction with the requirements of this chapter.

(D) Municipalities and counties annually shall submit to the South Carolina Accommodations Tax Oversight Committee:

(1) end-of-the-year report detailing advisory committee accommodations tax recommendations;

(2) municipality's or county's action following the recommendations;

(3) list of how funds from the accommodations tax are spent, except for the first twenty-five thousand dollars and five percent of the balance in Section 6-4-10(2) allocated to the general fund. The list is due before October first and must include funds received and dispersed during the previous fiscal year;

(4) list of advisory committee members noting the chairman, business address if applicable, and representation of the hospitality industry including the lodging industry and cultural interests.

(E) The regional tourism agencies in Section 6-4-20 annually shall submit reports on their budgets and annual expenditure of accommodations tax funds pursuant to this chapter to the Accommodations Tax Oversight Committee.

HISTORY: 1991 Act No. 147, Section 1; 2002 Act No. 312, Section 3.

SECTION 6-4-30. Repealed by 2003 Act No. 69, Section 3.MM, eff June 18, 2003.

Editor's Note

Former section was entitled "Department of Revenue's duties regarding accommodations taxes" and was derived from 1991 Act No. 147, Section 1; 1997 Act No. 87, Section 1; 2001 Act No. 74, Section 3.B.

SECTION 6-4-35. Tourism Expenditure Review Committee.

(A) There is established the Tourism Expenditure Review Committee consisting of eleven members as follows:

(1) one member appointed by the Speaker of the House;

(2) one member appointed by the President of the Senate;

(3) the Director of the South Carolina Department of Parks, Recreation and Tourism, or his designee, ex officio;

(4) eight members appointed by the Governor as follows:

(a) one member on the recommendation of the South Carolina Association of Tourism Regions;

(b) one member on the recommendation of the South Carolina Association of Convention and Visitors Bureaus;

(c) one member on the recommendation of the South Carolina Travel and Tourism Coalition;

(d) one member on the recommendation of the Municipal Association of South Carolina;

(e) one member on the recommendation of the South Carolina Association of Counties;

(f) one member on the recommendation of the Hospitality Association of South Carolina;

(g) one member on the recommendation of the South Carolina Arts Commission; and

(h) one member at large.

Appointed members shall serve for terms of four years and until their successors are appointed and qualify, except that of those first appointed by the Governor, four shall serve for a term of two years and the term must be noted on the appointment. Regardless of the date of appointment, all terms expire July first of the applicable year. Members shall serve without compensation but may receive the mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions. Vacancies must be filled in the manner of original appointment for the unexpired portion of the term.

(B)(1)(a) The Tourism Expenditure Review Committee shall serve as the oversight authority on all questionable tourism-related expenditures and to that end, all reports filed pursuant to Section 6-4-25(D)(3) must be forwarded to the committee for review to determine if they are in compliance with this chapter. The municipality or county must be notified if an expenditure is questioned, and the committee may consider any further supporting information the municipality or county may provide. If the committee finds an expenditure to be in noncompliance, it shall certify the noncompliance to the State Treasurer, who shall withhold the amount of the expenditure found in noncompliance from subsequent distributions in accommodations tax revenue otherwise due the municipality or county. An appeal from an action of the committee under this subitem lies with the Administrative Law Judge Division.

(b) If the committee determines that a municipality or county has failed to file the reports required pursuant to Section 6-4-25(D)(3), it may impose a fee of five hundred dollars a month or part of a month for each month the report is not filed, but not more than five thousand dollars. The committee shall certify the penalty to the State Treasurer, who shall withhold the amount of the penalty from subsequent distributions otherwise due the municipality or county. An appeal from an action of the committee under this subitem lies with the Administrative Law Judge Division.

(c) Allocations withheld must be reallocated proportionately to all other recipients.

(2) The committee has jurisdiction to investigate and research facts on written complaints submitted to it with regard to the appropriate tourism-related expenditures and resolve these complaints as provided in item (1) of this subsection.

(3) The committee shall forward copies of information submitted by the local governments and regional tourism agencies pursuant to Section 6-4-25 arising under the tourism provisions of this chapter to the Department of Parks, Recreation and Tourism, which shall publish an annual report on the information submitted.

HISTORY: 2001 Act No. 74, Section 3.A; 2003 Act No. 38, Section 1, eff June 2, 2003; 2019 Act No. 1 (S.2), Section 31, eff January 31, 2019.

Editor's Note

2004 Act No. 202, Section 3, provides as follows:

"Wherever the term 'Administrative Law Judge Division' appears in any provision of law, regulation, or other document, it must be construed to mean the Administrative Law Court established by this act."

Effect of Amendment

The 2003 amendment, in subsection (A) substituted "eleven" for "nine" in the introductory paragraph, substituted "eight" for "six" in paragraph (4), added paragraphs (4)(g) and (4)(h), and made nonsubstantive changes.

2019 Act No. 1, Section 31, in (A)(2), substituted "President of the Senate" for "President Pro Tempore of the Senate".

**Town of Hilton Head Island
Distribution of State 3% ATAX Dollars**



	2017	2018	2019	2020	2021	2022	2023
DMO - Supplemental	405,000	485,000	535,000	575,000	350,000	530,000	710,000
DMO - 30%	1,844,102	1,963,478	2,120,810	2,076,615	3,483,292	4,148,596	4,148,596
Capital Improvements	-	-	-	-	-	-	3,109,000
Grants	2,020,670	2,351,330	2,455,578	2,616,600	2,976,140	3,153,535	4,323,548
Town - Gen. Fund (calendar) Tourism Services	1,697,000	2,450,996	1,761,663	1,695,449	1,685,442	1,853,286	2,445,211
Revenues (calendar year)	6,147,005	6,544,927	7,069,367	6,922,051	11,610,973	13,828,654	13,828,654

State Accomodation Taxes

	2017	2018	2019	2020	2021	2022	Increase in %	2023	Increase in %
Revenues (calendar year)	6,147,005	6,544,927	7,069,367	6,922,051	11,610,973	13,828,654	19.1%	13,828,654 (2)	0.0%

	2017	2018	2019	2020	2021	2022	Increase in %	2023	Increase in %
Required Expenditures:									
First \$25,000 to General Fund	25,000	25,000	25,000	25,000	25,000	25,000	0.0%	25,000	0.0%
5% to General Fund	307,350	327,246	353,468	346,103	580,549	691,433	19.1%	691,433	0.0%
Required DMO 30%	1,844,102	1,963,478	2,120,810	2,076,615	3,483,292	4,148,596	19.1%	4,148,596	0.0%
Required Expenditures	2,176,452	2,315,724	2,499,278	2,447,718	4,088,841	4,865,029	19.0%	4,865,029	0.0%
Available for other purposes	3,970,553	4,229,202	4,570,088	4,474,333	7,522,133	8,963,625	19.2%	8,963,625	0.0%
Town Appropriations:									
Town Appr. Ops (calendar)	1,364,650	2,098,750	1,383,195	1,324,346	1,079,893	1,136,853	5.3%	1,728,778	52.1%
Capital Improvements Plan (CIP)	-	-	-	-	-	-	n/a	3,109,000	n/a
Total Town Appropriations	1,364,650	2,098,750	1,383,195	1,324,346	1,079,893	1,136,853	5.3%	4,837,778	325.5%
Amounts available for other uses:	2,605,903	2,130,452	3,186,893	3,149,986	6,442,239	7,826,772	21.5%	4,125,847	-47.3%
ATAX Grants:									
Supplemental Grant DMO	405,000	485,000	535,000	575,000	350,000	530,000	51.4%	710,000 (1)	34.0%
All other Grants	2,020,670	2,351,330	2,455,578	2,616,600	2,640,910	3,153,535	19.4%	4,323,548 (1)	37.1%
Out of Cycle Grants	-	-	-	-	335,230	-	-100.0%	- (1)	n/a
Total ATAX Grants	2,425,670	2,836,330	2,990,578	3,191,600	3,326,140	3,683,535	10.7%	5,033,548	36.6%
Available	180,233	(705,878)	196,315	(41,614)	3,116,099	4,143,237	n/a	(907,701)	-121.9%

Notes:

- The local ATAX is used 100% for General Fund operations.
- (1) The 2023 grants are for consideration by Town Council.
- (2) The 2023 revenues are projected at a 0% growth.

**Town of Hilton Head Island
Accommodations Tax Grants 2018 to 2022 and 2023 Requests and Recommendations
by Calendar Year**

	2018	2019	2020	2021	2021	2022	2023 GRANTS		
	Town Council Award	Town Council Award	Town Council Award	Town Council Award	Out-of-Cycle Town Council Award	Town Council Award	2023 Applicant Request	ATAC Recommendation	Town Council Award
Art League of Hilton Head	65,000	65,000	65,000	65,000	-	95,000	75,000	75,000	
Arts Center of Coastal Carolina	400,000	400,000	406,000	325,000	-	405,000	420,000	420,000	
David M. Carmines Memorial Foundation	91,000	100,000	115,000	115,000	-	19,600	181,000	181,000	
Gullah Museum of Hilton Head Island	50,000	55,000	55,000	17,000	-	125,000	150,000	139,700	
Harbour Town Merchants Association	20,000	21,000	21,000	-	-	23,000	29,000	29,000	
HHI Audubon Society	-	-	3,600	-	-	-	17,588	17,588	
HHI Choral Society	40,000	40,000	40,000	16,000	-	50,000	40,000	10,000	
HHI Concours d'Elegance	220,000	250,000	282,000	88,000	-	307,000	385,000	385,000	
HHI Dance Theater	15,000	15,000	15,000	19,000	-	19,000	20,000	20,000	
Hilton Head Disc Golf	-	-	20,000	-	-	-	-	-	
Hilton Head Island Airport	100,000	40,000	90,000	165,000	-	160,000	155,000	155,000	
Hilton Head Island Bridge Association	-	20,000	25,000	-	-	-	15,000	15,000	
Hilton Head Island Land Trust	-	-	15,000	28,684	-	41,000	-	-	
HHI Rec Assoc.(Wingfest & Other Festivals)	25,000	25,000	25,000	10,000	-	35,000	60,000	60,000	
HHI St. Patrick's Day Parade	17,580	20,000	22,000	-	-	41,235	86,000	71,704	
HHI Wine & Food, Inc (Rhythm and Brews)	130,000	130,000	125,000	88,000	-	-	25,000	25,000	
HHI Wine and Food Fest)	-	-	-	-	-	130,000	130,000	130,000	
HHI Symphony Orchestra	250,000	250,000	260,000	270,000	29,813	270,000	300,000	300,000	
Lean Ensemble Theatre	30,000	30,000	35,000	40,000	25,000	40,000	50,000	50,000	
Lowcountry Golf Course Owners Assoc.	50,000	50,000	50,000	50,000	-	50,000	50,000	50,000	
Long Cove Club	-	-	-	-	-	30,000	54,259	51,442	
Lowcountry Gullah	-	-	-	75,000	-	75,000	100,000	95,889	
Main Street Youth Theater	15,000	15,000	17,000	25,000	-	-	-	-	
Mitchelville Preservation Project	160,000	172,500	185,000	185,000	-	185,000	185,000	185,000	
Native Island Business & Community	110,000	120,000	125,000	225,000	-	205,000	235,000	235,000	
Operation R & R	-	-	-	2,000	-	-	-	-	
Palmetto Quilt Guild	-	-	-	-	4,110	-	-	-	
Sea Pines Forest Preserve	-	-	-	-	-	35,000	-	-	
Sea Turtle Patrol HHI	-	-	-	-	26,988	47,900	64,500	64,500	
Shelter Cove Harbour Company	76,800	80,000	80,000	-	-	150,000	195,000	195,000	
Skull Creek July 4th Celebration	16,250	17,737	21,000	-	-	-	-	-	
TEDx Hilton Head	-	-	-	-	-	16,000	25,000	25,000	
The Boys & Girls Club of Hilton Head	18,300	20,000	22,000	-	-	30,000	35,000	35,000	
The Coastal Discovery Museum	279,000	285,000	297,500	310,000	64,319	325,000	325,000	325,000	
Coastal Discovery Museum- Disc Golf	-	25,000	-	-	-	-	-	-	
Coastal Disc. Museum-Lowcountry Fair	-	-	5,000	-	-	-	-	-	
Coastal Disc. Museum(Honey Horn)	-	-	-	350,000	-	-	695,350	695,350	
The First Tee of the Lowcountry	20,000	25,000	25,000	25,000	30,000	40,000	40,000	40,000	
First Tee of the Lowcountry-(Disc Golf)	25,000	-	-	-	-	-	-	-	
The Heritage Library	60,000	58,000	115,000	110,000	-	120,000	118,000	118,000	
The Heritage Library- History Day	16,900	6,946	-	-	-	-	-	-	
The Heritage Library-Zion History Park	-	55,000	-	-	-	-	-	-	
The Outside Foundation	-	8,500	-	10,367	20,000	34,400	60,000	59,480	
The Sandbox	50,500	45,895	54,500	17,875	135,000	44,400	59,895	59,895	
Town of HH Island-(Lantern Parade)	-	10,000	-	-	-	-	-	-	
World Affairs Council of HHI	-	-	-	8,984	-	5,000	10,000	5,000	
Subtotal	2,351,330	2,455,578	2,616,600	2,640,910	335,230	3,153,535	4,390,592	4,323,548	\$ -
DMO Supplemental Grant	485,000	535,000	575,000	350,000	-	530,000	710,000	710,000	-
Total Grants	2,836,330	2,990,578	3,191,600	2,990,910	335,230	3,683,535	5,100,592	5,033,548	-

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, APPROVING THE CALENDAR YEAR 2023 HILTON HEAD ISLAND-BLUFFTON CHAMBER OF COMMERCE ACCOMMODATIONS TAX GRANT.

WHEREAS, pursuant to South Carolina Code Section 6-4-10-4(b), The funds received by a county or municipality which has a high concentration of tourism activity may be used to provide additional county and municipal services including, but not limited to, law enforcement, traffic control, public facilities, and highway and street maintenance, as well as the continual promotion of tourism; and

WHEREAS, the Town appoints an Accommodations Tax Advisory Committee to advise and recommend to the Town Council of Hilton Head Island on the expenditure of revenue generated from State Accommodations Tax as required by Article 6, S.C. Code, Title 12, Chapter 35, known as the Accommodation Tax Act (hereafter referred to as “The Act”); and

WHEREAS, On November 3, 2022, the Town of Hilton Head Island Accommodations Tax Advisory Committee reviewed the calendar year 2023 accommodations tax grants and has recommended that Town Council approve the grants as presented; and

WHEREAS, on January 17, 2023, Town Council voted to approve the calendar year 2023 accommodations tax grants, however, Town Council decided to

table action on the Hilton Head Island-Bluffton Chamber of Commerce until it's February 21, 2023, meeting; and

WHEREAS, Town Council now desires to approve the Accommodations Tax Grant for the Hilton Head Island-Bluffton Chamber of Commerce for calendar year 2023 as presented by the Accommodations Tax Advisory Committee in the amount of _____.

NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT the Town Council hereby approves the 2023 Accommodations Tax Grant for the Hilton Head Island-Bluffton Chamber of Commerce in the amount of _____.

MOVED, APPROVED, AND ADOPTED ON THIS _____ DAY OF _____, 2023.

Alan R. Perry, Mayor

ATTEST:

Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Shawn Colin, Assistant Town Manager – Community Development
CC: Marc Orlando, Town Manager
CC: Josh Gruber, Deputy Town Manager
DATE: February 12, 2023
SUBJECT: Consideration of a Resolution authorizing the creation and appointment of a William Hilton Parkway Gateway Corridor Independent Review Advisory Committee

RECOMMENDATION:

That Town Council consider a Resolution authorizing the creation and appointment of a William Hilton Parkway Gateway Corridor Independent Review Advisory Committee.

BACKGROUND:

This project began in 2017 when a need was identified by the South Carolina Department of Transportation (SCDOT) to improve the westbound bridge that connects the mainland to the island (there are two bridges in each direction). The Town and County requested a more comprehensive approach instead of piecemealing an improvement over a series of years. Since that time, the SCDOT has involved time and funding to conduct an evaluation of alternatives and prepared a draft Preferred Recommendation following the NEPA process. There has been ample public involvement, with many workshops, well over 20 public meetings, and opportunities to provide comment. In addition, the Town has worked with MKSK, a planning and design consultant, since April 2021 to review the project and draft recommendations to improve the corridor alignment and design elements. Town Council approved 26 recommendations on October 12, 2021.

This is a major investment by the SCDOT and Federal Highway Administration (FHWA). It will have a significant impact on parts of Beaufort County, the Town of Bluffton and especially the Town of Hilton Head Island. The approach to Hilton Head Island is viewed as a visual oasis welcoming everyone to the beauty of the island. Changes that would negatively impact this entry are a major concern to the residents and visitors who come to Hilton Head. As such, the Town and many of its residents, want to make certain that all reasonable alternatives have been evaluated before a final decision is made.

On October 4, 2022 the Town approved an Memorandum of Agreement (MOA) with Beaufort County (Exhibit A). The MOA outlined a critical path and steps to take to reach a point for municipal consent consideration. One key step was the procurement of an Independent Consultant by a selection team consisting of Town and County representatives to execute the Scope of Work included in the MOA. Input from SCDOT Secretary Christy Hall and Senator Tom Davis, guided the final language for the RFQ which did not support the evaluation of additional alternatives for the corridor alignment, as in their opinion, the addition of this element as part of the Scope of Work to be executed by the Independent Consultant, could put the grant funding authorized by the State Infrastructure back in jeopardy.

Town approval of the MOA did not provide municipal consent, nor did it preclude the submission of amended documents to the Federal Highway Administration to include recommendations that emerge from the Independent Review.

The County issued a Request for Qualifications (RFQ) (Exhibit B) for an independent consultant (the "Independent Consultant"), (i.e. – one that does not have a previous or current contractual relationship with SCDOT, the County, or the Town) to perform an independent review of the project. One submission was received and reviewed by the appointed selection team which deemed it responsive, and the firm qualified to perform the requested work.

However, the Town of Hilton Head wants to hire an independent specialist to review the information and make sure the recommendations will be in the best interests of all the players, including residents, employees, visitors, businesses, and the Gullah Cultural Community which is traversed by William Hilton Parkway. Therefore, a Town RFQ (Exhibit C) has been drafted to complete work consistent with the Scope of Work agreed to in the MOA.

In addition, Town Council requested that a William Hilton Parkway Gateway Corridor Independent Review Advisory Committee be created to guide work to complete the Independent Review. A Resolution (Exhibit D) to create the requested Committee outlines the membership to include:

- a. Member of Town Council
- b. Engineer
- c. Stoney Citizen Member
- d. Community Member
- e. Community Member

SUMMARY:

Adoption of the Resolution will authorize the creation of an Advisory Committee to guide work for the Independent Review. Staff will continue its execution of the approved MOA with Beaufort County, including work that needs to be completed to provide better understanding of project details and impacts needed to inform recommendations for improvements to the bridge, corridor, and project mitigation.

ATTACHMENTS:

1. Exhibit A - MOA approved by Town of Hilton Head Island and Beaufort County Councils
2. Exhibit B - RFQ Issued by Beaufort County for Independent Consultant Review
3. Exhibit C - Draft RFQ to be issued by the Town for Independent Consultant Review
4. Exhibit D - Resolution authorizing the creation and appointment of a William Hilton Parkway Gateway Corridor Independent Review Advisory Committee

RESOLUTION NO. 2022-28

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE TOWN MANAGER TO ENTER INTO A REVISED MEMORANDUM OF AGREEMENT WITH BEAUFORT COUNTY, SOUTH CAROLINA CONCERNING THE WILLIAM HILTON PARKWAY GATEWAY CORRIDOR PROJECT AND ADAPTIVE TRAFFIC SIGNAL IMPROVEMENTS.

WHEREAS, the U.S. Highway 278 corridor runs from I-95 to and throughout the Town of Hilton Head Island, and is both an economic generator and necessity for transportation; and

WHEREAS, the William Hilton Parkway Gateway Corridor Project (the "Project") is a Beaufort County project and is part of the programs funded by the 2018 sales tax that was authorized by the public in a referendum; and

WHEREAS, the synchronization of adaptive traffic signals on U.S. Highway 278 is essential to the public safety and traffic control; and

WHEREAS, the Project will have a substantial impact on the citizens and visitors of the Town of Hilton Head Island; and

WHEREAS, the Town of Hilton Head Island and Beaufort County desire to undertake improvements to U.S. Highway 278 and install adaptive traffic signals thereon; and

WHEREAS, the Town Council hereby finds that the execution of the revised Memorandum of Agreement is in the best interest of the Town of Hilton Head Island.

NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA That the Town Council hereby authorizes the Town Manager to enter into an agreement materially consistent with the revised Memorandum of Understanding from Beaufort County for the purpose of coordinating and implementing the William Hilton Parkway Gateway Corridor Project and installation of adaptive traffic signals on U.S. Highway 278.

PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS 4TH DAY OF OCTOBER, 2022.


John J. McCann, Mayor

ATTEST:


Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM


Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)
)
TOWN OF HILTON HEAD ISLAND)

MEMORANDUM OF AGREEMENT FOR THE
WILLIAM HILTON PARKWAY GATEWAY/US
278 CORRIDOR PROJECT AND ADAPTIVE
SIGNAL IMPROVEMENTS

THIS MEMORANDUM OF AGREEMENT is made and entered into this 21 day of October 2022 by and between Beaufort County, South Carolina (the "County"), and The Town of Hilton Head Island, South Carolina (the "Town").

WHEREAS, the William Hilton Parkway Gateway/US 278 Corridor Project, referred to herein as the "Project", is a Beaufort County Project and is part of the programs funded by the 2018 sales tax; and

WHEREAS, a portion of the Project is located within the corporate limits of the Town, which impacts the citizens and visitors of the Town of Hilton Head Island, will provide for safer public transportation; and

WHEREAS, the Project is currently in the preliminary design stage and is working through the Environmental Assessment process; and

WHEREAS, separate from the design consultant for the Project retained by the South Carolina Department of Transportation (the "SCDOT"), and at the request of the Town, the County hired a design engineer, HDR, to perform an Independent Review of the project. In addition to the Independent Review, the Town hired a land planning consultant, MKSK, to assist the Town Council with evaluating the current design and to provide recommendations to enhance the Project; and

WHEREAS, as part of the Environmental Assessment process a preferred alternative for the Project was identified by the SCDOT and presented at a public hearing held on July 22, 2021; and

WHEREAS, based upon comments received from the public and from the Town, the Project plans were updated, and a modified preferred alternative was presented at a public information meeting held on March 3, 2022; and

WHEREAS, there have been several comments made by residents of the Town regarding the impacts to the citizens and visitors of Hilton Head Island and have requested an additional Independent Review be conducted to evaluate community impacts to include areas that lie outside of the Project limits and provide design modification recommendations that will otherwise enhance the Project; and

WHEREAS, the County and the Town have determined that an Independent Review (the "Independent Review") must be performed by a consultant in material conformance with the Scope of Work (the "Scope of Work") set forth on Exhibit A attached hereto; and

WHEREAS, the William Hilton Parkway/US 278 Corridor, extending from Interstate 95 (I-95) to Sea Pines Circle, is of regional importance to the County and the Town to facilitate trade and commerce throughout the region; and

WHEREAS, it is recognized that it is of utmost importance to keep traffic moving as safely and efficiently as possible throughout the corridor; and

WHEREAS, there are many SCDOT-owned signals along the corridor that are managed and maintained by the County and the Town through various signal maintenance agreements with SCDOT; and

WHEREAS, the Town has funds budgeted in its Capital Improvement Plan for Fiscal Year 2023 to make improvements to the traffic signals within the corporate limits of the Town which they maintain under their signal maintenance agreement(s) with SCDOT; and

WHEREAS, the County and Town desire to make traffic signal improvements along the entire William Hilton Parkway/US 278 Corridor to increase safety and capacity through the synchronization of "Adaptive Traffic Signals."; and

WHEREAS, any and all future signal projects, including those signals within the William Hilton Parkway Gateway/US 278 Corridor Improvement Project, are to be fitted with the same technologies to ensure they are synchronized with the other signals.

NOW, THEREFORE, for and in consideration of the mutual covenants exchanged herein, the County and the Town hereby agree as follows:

1. The County and the Town agree to advance the Project in a cooperative manner for the entire duration of the Project.
2. The County and the Town mutually agree to work together in good faith to address the feasibility, and merits of recommendations approved by Town Council on October 12, 2021 (as set forth in Exhibit B) (the "Recommendations") and further agree that one bridge will be designed and constructed for the Project.
3. The County will procure an Independent Consultant (the "Independent Consultant"), (i.e. – one that does not have a previous or current contractual relationship with SCDOT, the County, or the Town) to perform an additional Independent Review of the project. This Independent Consultant will conduct an end-to-end simulation and study through and beyond the Project limits to include additional intersections materially consistent with the Scope of Work set forth in Exhibit A.
4. The County and the Town will establish a committee (the "Committee") to select the Independent Consultant through a competitive bid process. The following County representatives shall sit on the Committee: (a) the County Administrator or his designee (b) the Assistant County Administrator for Infrastructure: (c) and the County Transportation Program Manager Consultant. The following Town representatives shall sit on the Committee: (d) the Town Manager or his designee; (e) the Assistant Town Manager of Community Development; and (f) the Town Engineer.
5. All recommendations from the Independent Review for areas within the project boundary will be considered for inclusion in the project. The County and Town agree to pursue the "Finding of No Significant Impacts" (FONSI) from the Federal Highway Administration concurrent with the Independent Review. If any findings from the Independent Review affect environmental documents submitted for the FONSI, those recommendations will be considered, and the environmental documents will be updated and resubmitted as agreed upon by the County and the Town.
6. The County and the Town, as required as part of the NEPA process, will coordinate with SCDOT to perform a value engineering of the project to identify and eliminate unwanted costs, and improve function and quality, as well as to optimize initial and long-term investment, ultimately seeking the best value for the lowest cost.
7. The County and the Town mutually agree to work together, along with SCDOT and Lowcountry

Area Transportation Study (LATS), to design, implement and maintain a connected and synchronized signal system along the entire length of the William Hilton Parkway/US 278 Corridor from I-95 to Sea Pines Circle. The synchronized system will include fiber connectivity, Adaptive Signal technologies and other tools to help maximize flow. The County and the Town mutually agree to work together to seek funds necessary to acquire and implement the proposed improvements.

8. Any signal improvements from the synchronization project which are not already installed within the corridor prior to the construction of the Project, will be incorporated as such.
9. This Agreement does not provide the Town's municipal consent. Such consent may be provided by the Town Council after the Independent Review has been evaluated by the Town and County and before the right-of-way acquisition phase of the Project begins. Municipal consent by the Town will not be unreasonably withheld.
10. The County and the Town agree that the Independent Review will be the last and final study needed for the Town to make a final decision related to the Project.


IN WITNESS WHEREOF, Beaufort County, South Carolina, and the Town of Hilton Head Island, South Carolina, by their authorized officers, have executed the within memorandum on this ____ day of October 2022.


WITNESSES:





WITNESSES:



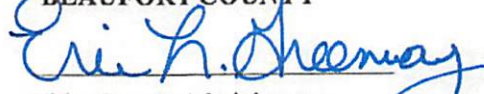


TOWN OF HILTON HEAD ISLAND



Title: Town Manager

BEAUFORT COUNTY



Title: County Administrator

EXHIBIT A

US 278 Corridor Project – Independent Review Scope of Services

Task 1: Project Initiation and Coordination:

- Initial HHI, Beaufort County, and Independent Consultant
- Biweekly project discussions with County and Town Staff
- Review meeting with representations of Beaufort County, Town of Hilton Head Island, SCDOT and the existing design consultants on prior work performed
- Monthly update meetings with Town Manager and County Administrator
- Review and define the study area
- Perform a site visit/field review
- Understand the Town of Hilton Head Island's concern with the proposed concept and existing model
- Identify what has already been completed for the project

Task 2: Model and Recommended Concept Review:

Review previous models and concept recommendations

- Review assumptions contained within the model – Daily Hour, Land Use, & other input variables
- Review data collection approach and study area
- Review model outputs and subsequent recommendations for intersection operations and bridge concepts

Model Review and Concept Review Memo

- Compile findings into a Summary Review Memo, identifying primary findings and recommendations for improvement

Task 3: Updating Model & Operational Updates

Model and Operational Analysis Updates

- The model updates will be based on the version of the LATS model utilized to develop the project
- Confirm that the base traffic demand model accurately takes into trips generated by visitor traffic, mass transit traffic, and traffic demand from redevelopment of existing Island parcels
- Update the model based on findings in Task 2 and coordination with the Town of Hilton Head & Beaufort County
- Expand the model and study area to include the following signalized intersections and merge points east of Spanish Wells Road
 - US 278 merge with Cross Island Pkwy
 - US 278 Bus (William Hilton Pkwy) at Gum Tree Road
 - US 278 Bus (William Hilton Pkwy) at Wilborn Road/Jarvis Park Road
 - US 278 Bus (William Hilton Pkwy) at Pembroke Drive/Museum Street
 - US 278 Bus (William Hilton Pkwy) at Indigo Run Drive/Whooping Crane Way
 - US 278 (Palmetto Bay Road) at Point Comfort Road/Arrow Road
 - Palmetto Bay Road at Target Road
 - US 278 Bus (William Hilton Pkwy) at Palmetto Bay Road (Sea Pines Circle)
- Expand the model and study area to include the following signalized intersection and merge point west of Moss Creek Drive
 - Bluffton Parkway and Buckingham Landing Road (on Mainland)
- Traffic counts for the study area intersections will be obtained from the Town of Hilton Head Island
- Any additional counts not available from the Town of Hilton Head or SCDOT shall be assumed counts that will need to be collected

- **Ensure the model includes most recent traffic data that reflects the toll removal on the Cross Island Parkway**
- **Generate model outputs for study area with new assumptions and volumes & analyze operations in Synchro/VISSIM**
- **Evaluate how Adaptive Traffic Signals could impact the traffic flow and average travel times along the corridor at peak times as well as other periods. The Town and County are expected to implement Adaptive Signals on the William Hilton Parkway/US 278 Corridor from I-95 to Sea Pines Circle. Answer questions related to potential for downstream impacts**
- **Evaluate opportunities to achieve operational efficiency by maintaining four lanes (two lanes in each direction) between the Windmill Harbour and Squire Pope Road intersections with William Hilton Parkway. These include system improvements that result from Intelligent Traffic Systems and other operational adjustments that may provide improved efficiency in the system**
- **Coordinate and refine recommendations with the Town of Hilton Head Island and Beaufort County**
- **Participate in meetings as directed by the Town of Hilton Head Island and Beaufort County**

Task 4: Proposed Intersection Improvements & Potential Future Projects

- **Evaluate the safety for bicycle and pedestrians within the original Project Study Area from Moss Creek to Spanish Wells Road and make recommendations on ways to improve the safety of the proposed intersections**
- **Identify potential modifications to the proposed intersection designs of the preferred alternative within the original Project Study Area from Moss Creek to Spanish Wells Road that deliver the same (or better) expected operational level within the same (or smaller) footprint of the currently planned project. Include estimated increased or decreased costs for the potential modifications to the intersection designs. Potential modifications that increase the Project footprint and impacts to the human and natural environment should be excluded**
- **Based on the findings of Task 3 for intersections outside of the original project study area, develop alternatives to improve operations in the future**
- **Evaluation should include traffic improvements (LOS, delay, etc.) as well as anticipated project costs and known impacts or concerns with the alternatives**
- **Assume up to 3 alternatives for each impacted intersection area evaluated**
- **Develop a Summary of Recommendations for review by the Town of Hilton Head Island and Beaufort County that can be utilized to secure future funding for improvements beyond the Project Study Area**

Task 5: Draft and Final Report

- **Compile model updates, operational analysis, and findings into a report for review and discussion with Beaufort County and Town of Hilton Head Island staff**
- **Finalize elements into draft and final reports, including executive summaries and recommendations**
- **Presentation of final findings to both County Council and Town Council for endorsement/adoption by both Councils**
- **Submit final report electronically**

EXHIBIT B

Town Approved Recommendations - Gateway Corridor Project - October 12, 2021

CORRIDOR-WIDE RECOMMENDATIONS

1. Reduce lane widths to 11' to calm traffic & reduce property impacts.
2. Eliminate raised curbs in medians wherever possible, encourage existing vegetation and natural drainage in these areas.
3. Vary median widths and meander roadway alignments where possible for traffic calming and aesthetics.
4. Take advantage of Town-owned property for sake of Parkway improvements.
5. Utilize ITS smart signal technology throughout.
6. Reduce curb cuts & provide for alternative/safer property access throughout.
7. Provide trails on both sides of Parkway where possible with sufficient separation from road and in lieu of sidewalks.
8. Create a comprehensive system of safe, comfortable, and attractive shared use paths for cyclists and pedestrians.
9. Open/encourage views to the water wherever possible, as a part of the Island's "signature".
10. Ensure integration of unique, Hilton Head-specific signage, landscape schemes, public art program, architectural vocabulary, iconic features, and accent lighting that distinguish this parkway from all others.
11. Reduce design & posted speeds throughout the corridor.
12. Evaluate the island-wide transportation system.

ZONE-SPECIFIC RECOMMENDATIONS

13. Encourage Moss Creek area improvements (*commercial redevelopment, access/roadway improvements, trail connections*).
14. Establish "Gateway Experience" threshold at west end of Mackay Creek bridges (*landscape, island "icon", art, lighting*).
15. Reduce bridge mass with two separate bridges and Shared-Use Path on south side of eastbound bridge.
16. Reduce bridge lane width to 11', reduce shoulder width on left, only one breakdown lane on right.
17. Provide 14' minimum width non-motorized lane on bridge with multiple viewing areas and protection/screening of vehicles.
18. Attention to bridge design/details as viewed from afar and on-deck (parapet, railings, structural forms).
19. Consolidate Jenkins Island access to one signalized location at C. Heinrichs/Windmill Harbor Entrance.

20. Provide traditional turn lanes and intuitive intersection configurations throughout Stoney.
21. Eliminate confusing SCOOT U-turns.
22. Eliminate left turns and traffic introduction onto Old Wild Horse.
23. Create new park south of Parkway in Stoney to authentically showcase Gullah Geechee culture/heritage.
24. Consider a new Visitors Center as a part of this park that intentionally showcases this heritage while introducing visitors to the Island's offerings.

ADDITIONAL POLICY RECOMMENDATIONS

25. Create a Stoney-authored vision plan for the next generation of that neighborhood.
26. Create and professionally staff a Development Corporation as a vehicle for Stoney Advancement.

Responses to Town of Hilton Head Island Recommendations

The preliminary responses are based on the meeting held between the Beaufort County (County Administrator Eric Greenway & Assistant County Administrator Jared Fralix), SCDOT (Secretary Christy Hall, Deputy Secretary Leland Colvin, & Program Manager Craig Winn), and the Town of Hilton Head Island (Town Manager Marc Orlando, Mayor John McCann, and Senior Advisor to the Town Manager Shawn Colin) on October 14, 2021, at the Beaufort County Administration Building. Additional responses are based on further environmental NEPA evaluations, traffic evaluations & engineering design performed since the October 14, 2021 meeting.

Corridor Wide

1. Reduce lane widths to 11' to calm traffic & reduce property impacts

Preliminary Response: Agreement on 12' lanes on the bridge and Jenkins Island but a 12' outside lane and a pair of 11' inside lanes as well as accessory lanes will be pursued through the Stoney Community from the Causeway to Spanish Wells Road.

Additional Response: During the design process a design exception and appropriate approvals for the two 11' inside lanes within the Stoney Community will need to be pursued.

2. Eliminate raised curbs in medians wherever possible to encourage existing vegetation and natural drainage in these areas

Preliminary Response: Agreement on elimination of raised curbs on the interior portion of Jenkins Island where appropriate with the understanding this will increase the clear zone needed in the median. Raised curb and gutter will be installed on the exterior edge of the roadway to reduce ROW requirements and handle the drainage needs.

Additional Response: Additional investigation and review of safety and drainage needs within the area will be required as project development continues. In project areas with a proposed 15' raised median, curbing will be provided on both the inside and outside of the roadway.

3. Vary median widths and meander roadway alignments where possible for traffic calming and aesthetics

Preliminary Response: Agreement on varying median through Jenkins Island, holding eastbound lanes in the existing alignment and moving westbound travel lanes North on Jenkins Island between Crosstree Drive and the causeway. The costs are to be estimated and if project overrun will need to be funded locally (not SCDOT or SIB funding).

Additional Response: The meandering of the roadway is estimated to increase project cost by approximately \$1.5M and was designed to avoid all critical area and freshwater wetlands. Additionally, the meandering of the roadway would not be permitted to result in wetland impacts greater than the Recommended Preferred Alternative 4A, as presented at the Public Hearing. Appendix 1 shows the proposed layout of the meandering on Jenkins Island that avoids critical area.

wetlands and freshwater wetlands. The additional cost does not include any costs for the additional Town-owned ROW required to meander the roadway and the ROW is assumed to be donated. The County does not have extra funds for an additional cost, and additional local funds would need to be identified early in the design process by the Town.

4. Take advantage of Town-owned property for sake of Parkway improvements

Preliminary Response: Agreement on this item and was part of the SIB application.

Additional Response: Project is taking advantage of Town-owned property through Jenkins Island with westbound lanes alignment. Other uses of Town-owned property will be considered during design if needed to facilitate project needs.

5. Utilize ITS smart signal technology throughout

Preliminary Response: Agreement on this item. It is already part of the current project scope.

Additional Response: Please be advised that signals will continue to be maintained locally, by either the County or Town, as currently prescribed in each of our Signal Maintenance Agreements (SMA) with SCOOT

6. Reduce curb cuts and provide for alternative/safer property access throughout

Preliminary Response: Agreement on this item. Change in access drives within Stoney as proposed by MKSK is separate from the project.

Additional Response: Reduction in curb cuts is a priority for safety and access management. Before reducing curb cuts, it will need to be verified that the improvements do not cause additional impacts within the TCP and are agreeable by all property owners.

7. Provide trails on both sides of Parkway where possible with sufficient separation from the road and instead of sidewalks

Preliminary Response: No trail to be installed on the southern side of William Hilton Parkway. The existing sidewalk on the southern side is to be removed except to connect Windmill Harbor to the shared use path underpass west of the Windmill Harbor entrance.

Additional Response: No additional comments.

8. Create a comprehensive system of safe, comfortable, and attractive shared use paths for cyclists and pedestrians

Preliminary Response: Agreement on a trail on the northern side of US 278 only, with separation from the roadway. The trail will not be located in the marsh area and must tighten up alignment through the causeway section connecting Hilton Head and Jenkins Island. The trail is okay to move north for more separation from Parkway through Jenkins Island.

Additional Response: The meandering of the trail through Jenkins Island must avoid the wetlands and environmental features. The corridor will also be evaluated for other opportunities to utilize town-

owned land to meander the shared use path away from the roadway and to protect tree canopies when practical. Additional expenses to meander the trail will need to be covered by local funds (Not SCOOT or SIB funding)

9. Open/encourage views to the water wherever possible, as part of the Island's "signature"

Preliminary Response: Agreement that this is a local element with selective treatment rather than any clearing and grubbing along the water edge.

Additional Response: This will not be included as part of the project as it has the potential to increase environmental impacts outside of the proposed construction limits.

10. Ensure integration of unique, Hilton Head-specific signage, landscape schemes, public art program, architectural vocabulary, iconic features, and accent lighting that distinguish this parkway from all others

Preliminary Response: Agreement that this element should be Town driven through its CIP Program.

Additional Response: The EA document includes signage within the Stoney Community as part of the environmental commitments. This is to include two signs, banner signage on SUP lighting, and landscaping. The final details of each of these features will be coordinated with the Stoney Community and local governments. (Eligible for project funding within the Stoney Community)

11. Reduce design & posted speeds throughout the corridor.

Preliminary Response: The entire project will include a 45mph design speed and consideration given for 40mph posted speed for the William Hilton Parkway from the causeway connecting Hilton Head to Jenkins Island to Sea Pines Circle (which includes the Stoney segment)

Additional Response: The posted speed will need to be discussed with the SCOOT District Traffic Engineer and a formal request will need to be submitted by the Town requesting a Speed Study through the District office for the areas of concern between Stoney and Sea Pines Circle. The project team will assist in any communication and coordination with the SCOOT District office.

12. Evaluate the island-wide transportation system.

Preliminary Response: Agreement this is an effort that will be handled locally

Additional Response: No additional comments.

Zone specific recommendations

13. Encourage/support Moss Creek area improvements (commercial redevelopment, access/roadway improvements, trail connections)

Preliminary Response: Agreement for long-term but not included in this project scope and is not eligible for State Infrastructure Bank Funding.

Additional Response: County to support private commercial redevelopment in Moss Creek area. Any driveways and curb-cuts within project limits will be improved as part of the project. The trail along US 278 will connect to the trails along Bluffton Parkway via pedestrian improvements along Buckingham Plantation Drive.

14. Establish "Gateway Experience" threshold at the west end of Mackay Creek bridges (landscape, island "icon", art, lighting)

Preliminary Response: Okay through coordination of County & Town

Additional Response: Not eligible for SCOOT or SIB Funding

15. Reduce bridge mass with two separate bridges and a Shared-Use path on side of the eastbound bridge

Preliminary Response: SCDOT is neutral on this item. The county administrator does not think benefits will justify additional costs. SCDOT states it's likely a 10-15% increase in the cost of the bridge component resulting in a \$30M to \$40M dollar increase. These additional costs are to be funded with local funds, not SCDOT or SIB. This item is to be evaluated by KCI (County) and HDR (Town) to determine the differential in costs between 1, six-lane bridge versus 2, 3 lane bridges. Additional impacts to the environment and Pinckney Island to be considered.

Additional Response: The construction of two separate bridge structures will increase the actual bridge width and increase the impacts to Pinckney Island due to the need for a separation distance between the two structures. The dual bridge option increases the estimated project cost by \$27.3 million. Additionally, two separate bridge structures will significantly increase the construction time potentially extending the completion date and jeopardizing SIB funding. The County does not support this request.

16. Reduce bridge lane width to 11', verify the need for two breakdown lanes per bridge

Preliminary Response: The bridge will have 12' lanes and no reduction of shoulder/breakdown widths. Each direction to include 2-10' shoulders as agreed to by all parties.

Additional Response: The 12' lanes and 10' shoulders are FHWA controlling criteria and provide a safety benefit to the project. These criteria are based on the roadway classification. Additionally, the shoulders provide improved access for Emergency Response on the bridges and to Jenkins Island.

17. Provide 14' minimum width non-motorized lane on the bridge with multiple viewing areas and protection/screening of vehicles

Preliminary Response: Agreement on the 12' shared-use pathway along the southern side of the bridge with 2 bulb-outs, one over each creek. Each bulb is out to be approximately 50' long. The bulb out elements are to be funded with local money as they are considered non-essential for SIB funding

Additional Response: The final configuration of the bulb-outs will be determined during the bridge design phase but are currently estimated to be 20'x50' with an additional cost of \$125k to \$150k per bulb out. However, the cost estimate does not include the additional cost for protection/screening. The County supports the concept of the viewing areas/screening if additional local funds can be identified early in the design process by the Town, but the County does not have the extra funds to support the addition.

18. Attention to bridge design/details as viewed from afar and on-deck (parapet, railings, structural forms}

Preliminary Response: Agreement on this item with continued coordination through project design. Attention to be focused on the above deck treatment of the bridge.

Additional Response: This has potential schedule implications, but a decision would need to be made early in the design development to ensure timely completion of the bridge design. The County does not have extra funds but supports additional aesthetic details but is good with the concept if additional local funds or grants can be identified and made available.

19. Consolidate Jenkins Island access to one location at C. Heinrichs Circle/Windmill Harbor Entrance

Preliminary Response: Agreement to consolidate all turning movements on Jenkins Island to this single intersection has already been implemented as part of the refinements after the public hearing.

Additional Response: No additional response.

20. Provide traditional turn lanes and intuitive intersection configurations throughout Stoney

21. Eliminate confusing SCDOT U-turns

22. Eliminate left turns and traffic introduction onto Old Wild Horse Road

Preliminary Response: This response applies to 20-22. There is an internal agreement to provide lefts at the Stoney intersections and not to proceed with the U-turn at the Old Wild horse Road intersection. SCOOT, Beaufort County, and the Town of Hilton Head agree to evaluate options to understand the performance and impacts resulting from the preferred alternative and the local alternatives. A balance of performance, impact of land disruption, and local desires and input will drive the final request to FHWA.

Additional Response: Additional survey work and engineering design was required to address this request. A traffic technical memo was created for the section of US 278 between Squire Pope Road and Spanish Wells Road to evaluate additional intersection configurations (Appendix 2). Two additional intersections were evaluated that eliminated the signal and U-turns at Old Wild Horse Road and reintroduced the left turns at Squire Pope Road & Spanish Wells Road. Both options introduced dual left-hand turn lanes from eastbound US 278 onto northbound Squire Pope Road, dual lefts from Spanish Wells Road northbound onto US 278 westbound, and the combination of the Squire Pope Road southbound through movement and left-turn movement to protect the tree canopy on Squire Pope Road. Option 1 includes dual rights from SB

Squire Pope Road onto WB US 278 operating under a stop condition while Option 2 includes one free flow right from SB Squire Pope Road to WB US 278 with an acceleration lane on 278. While the traffic performance of each of the options causes decreased level of service at the intersections, additional travel time and delays in the peak direction, and additional delays on the side streets, the performance does meet the minimum standard of a level of service D. There is minimal discernment obtained between the performance of Option 1 and Option 2. The next step was to compare the options to original TCP impacted areas of 4.77 acres as shown in Appendix 3. Each of the alternatives, including the preferred alternative through refinements, shows a reduction in the TCP impacts. Once all factors are considered including TCP impacts, local governmental input, and public comments from the Public Hearing Option 1 balances the need for traffic performance for the mainline and side roads, and the TCP impacts throughout Stoney. Option 1 reduces the frontage impacts along US 278 within Stoney from the causeway to Squire Pope Road. The selection of Option 1 will require the trail to meander within the Town of Hilton Tract on the northeast corner of Squire Pope Road and US 278 to protect the tree canopy along Squire Pope Road as requested by the State Historical Preservation Office (SHPO).

23. Create a new park south of Parkway in Stoney to authentically showcase Gullah Geechee culture/heritage

24. Consider a new Visitor Center as part of this park that intentionally showcases this heritage while introducing visitors to the Island's offerings

Preliminary Response: This applies to 23 and 24. This must take place (at least initially) on Town/County-owned property within Stoney. NO additional property impacts, takes, or displacements should be represented as part of this element. TCP elements identified in the EA should be integrated and enhanced at this location.

Additional Response: The new park and pavilion are part of the environmental commitments for the project. The location of the improvements and details will need to be coordinated with the Stoney Community and the local entities. Should the Town desire to design and construct a visitor center, it could be constructed separately but concurrent with the project. The improvements outlined in the EA document as commitments for the Stoney Community are funded however any additional design elements or expansion would need to be funded locally and not utilize SCDOT or SIB funding.

25. Create a Stoney-authored vision plan for the next generation of that neighborhood

Preliminary Response: Agreement that this should be a locally handled effort

Additional Response: As part of the environmental commitments, the County will develop and host an online, interactive map of the history of the Stoney community to share important historical information about the community.

26. Create and professional staff a Development Corporation as a vehicle for Stoney Advancement.

Preliminary Response: Agreement that this should be a locally handled effort.

Additional Response: The County supports the advancement of citizens within the Stoney Community and other Gullah communities throughout the county and is open to further discussions to determine the most appropriate vehicle to support this mission.

REQUEST FOR QUALIFICATIONS

WILLIAM HILTON PARKWAY/US 278 CORRIDOR

INDEPENDENT REVIEW

RFQ # 112322



Prepared by: Engineering Department

Dated: October 25, 2022

Proposal Due Date: November 23, 2022 3:00PM (EST)



COUNTY COUNCIL OF BEAUFORT COUNTY
PROCUREMENT SERVICES DEPARTMENT
106 Industrial Village Road, Bldg. 2 Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

PROPOSAL NOTICE NO. RFQ 112322

CLOSING DATE AND TIME: **November 23, 2022 at 3:00PM (EST)**

PROPOSAL TITLE: William Hilton Parkway/US 278 Corridor Independent Review

You are invited to submit a proposal, in accordance with the requirements of this solicitation which are contained herein.

There will be a **MANDATORY** meeting will be held virtually on **November 1, 2022/2:00PM (EST)**. Please contact Victoria Moyer at victoria.moyer@bcgov.net to receive your invite. **All vendors are encouraged to attend.**

In order for your proposal to be considered, it must be submitted in Vendor Registry no later than **November 23, 2022 at 3:00PM (EST)**, at which time respondents to this request will be recorded in the presence of one or more witnesses. RFQ received by the Procurement Services Department after the time specified will not be considered. Due to the possibility of negotiation with all respondents, the identity of any respondents or the contents of any proposal shall not be public information until after the contract award is made; therefore, the public is not invited to the proposal closing.

The proposal must be signed by an official authorized to bind the Consultant, and it shall contain a statement to the effect that the proposal is firm for a period of at least 90 days from the closing date for submission of proposal. **Proposal must be submitted through Vendor Registry by going to the County Website at www.beaufortcountysc.gov and register as a vendor. There is no cost to register your company. This will allow you to submit your RFQ electronically.**

All submittals (see Submission Requirements) received in response to this Request for Proposal will be rated by a Selection Committee, based upon the Evaluation Form contained within this RFQ. If the best proposal respondent is clearly identified from the point summary, there will not be a need for oral presentations. If not, then an oral presentation from a minimum of the top two rated firms shall be required.

This solicitation does not commit Beaufort County to award a contract, to pay any costs incurred in the preparation of a proposal, or to procure or contract for the articles of goods or services. The County reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with all qualified firms, or to cancel in part or in its entirety this solicitation, if it is in the best interests of the County to do so.

“Original Signed”

Dave Thomas
Procurement Services Director
(843) 255-2304

**IMPORTANT
ELECTRONIC SUBMITTAL REQUIREMENTS**

Response submittals for this bid project will ONLY be received electronically and must be submitted ONLINE prior to the date and time listed on page 1 of this Bid document.

All responses must adhere to the following guidelines:

- Suppliers are encouraged to submit responses as soon as possible. Responses are received into a 'lockbox' folder and cannot be opened prior to the due date and time. The time and date of receipt as recorded by the server will serve as the official time of receipt. The County is not responsible for late submissions, regardless of the reason.
- All requested information and forms MUST be uploaded as one file if possible. Each submission must be inclusive of all forms. If necessary to have more than one upload, pricing and signed acknowledgements, etc. are to be in the first upload.
- Submittals may be re-submitted prior to the date and time of bid open; if multiple submissions are received from the same source, the submission with the latest timestamp will take priority. If you have a problem with your upload, you may contact Vendor Registry at **844-802-9202** or cservice@vendorregistry.com.

Response is to be submitted ONLINE by one of the two methods below:

a. Use the Link: VendorRegistry.com

b. From the County's home page, select Bid Opportunities

The submitting offeror is required to have on the qualification packet their company name, contact information, the RFQ number, opening date, and title.

1. Questions: Submit questions through Vendor Registry.
2. All submissions to this RFQ must not exceed 15 double-sided printed pages in length. Cover sheet and table of contents are excluded.
3. Submission requirements are located on page 19.

COUNTY COUNCIL OF BEAUFORT COUNTY

Title VI Statement to Prime Contractors, Subcontractors, Architects, Engineers, and Consultants



It is the policy of the County Council of Beaufort County, South Carolina, hereafter referred to as “Beaufort County” or “the County”, to comply with Title VI of the 1964 Civil Rights Act (Title VI) and its related statutes. To this end, Beaufort County assures that no person shall be excluded from participation in, denied the benefit of, or subjected to discrimination under any of its programs or activities on the basis of race, color, national origin, age, sex, disability, religion, or language regardless of whether those programs and activities are Federally funded or not. The County is also committed to assuring every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities. Beaufort County also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. Additionally, the County will take reasonable steps to provide meaningful access to services for persons with limited English proficiency. In addition, Beaufort County will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination. Beaufort County will, where necessary and appropriate, revise, update, and incorporate nondiscrimination requirements into appropriate documents, directives, and regulations.

Pursuant to Title VI requirements, any entity that enters into a contract with Beaufort County including, but not limited to Prime Contractors, Subcontractors, Architects, Engineers, and Consultants, may not discriminate on the basis of race, color, national origin, age, sex, disability, religion, or language in their selection and retention of first-tier subcontractors, and first-tier subcontractors may not discriminate in their election and retention of second-tier subcontractors, including those who supply materials and/or lease equipment. Further, Contractors may not discriminate in their employment practices in connection with highway construction projects or other projects assisted by the U.S. Department of Transportation (USDOT) and/or the Federal Highway Administration (FHWA).

In all solicitations either by competitive bidding or negotiation made by the Contractor for work to Beaufort County to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under the contract and the Title VI regulations relative to nondiscrimination on the basis of race, color, national origin, age, sex, disability, religion, or language by providing such a statement in its bidding and contract documents.

Upon request, the Contractor shall provide all information and reports required by Title VI requirements issued pursuant thereto, and shall permit access to its books, records, accounts and other sources of information, and its facilities as may be determined by Beaufort County, USDOT, and/or FHWA to be pertinent to ascertain compliance with such regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to USDOT or FHWA, as appropriate and via Beaufort County, and shall set forth what efforts it has made to obtain the information. In the event of the Contractor's non-compliance with nondiscrimination provisions of this contract, USDOT may impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:

- Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
- Cancellation, termination, or suspension of the contract, in whole or in part.

In the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of this direction to comply with Title VI, the Contractor may request USDOT to enter into such litigation to protect the interests of USDOT and FHWA. Additionally, the Contractor may request the United States to enter into such litigation to protect the interests of the United States. Any person or Subcontractor who believes that they have been subjected to an unlawful discriminatory practice under Title VI has a right to file a formal complaint within one hundred eighty (180) days following the alleged discriminatory action. Any such complaint must be filed in writing or in person:

Beaufort County Government
Post Office Drawer 1228 · Beaufort, SC 29901-1228
843-255-2304 Telephone · E-mail: dthomas@bcgov.net

PROJECT PURPOSE

Beaufort County requests qualifications from all interested firms, licensed in the State of South Carolina, experienced in providing engineering services to complete an independent review for long-term mobility associated with the William Hilton Parkway/US 278 Corridor Improvement project.

SCOPE OF WORK

Task 1: Project Initiation and Coordination:

- Initial meeting with Town of Hilton Head Island, Beaufort County, and Independent Consultant
- Biweekly project discussions with County and Town Staff
- Review meeting with representations of Beaufort County, Town of Hilton Head Island, SCDOT and the existing design consultants on prior work performed
- Monthly update meetings with Town Manager and County Administrator
- Review and define the study area
- Perform a site visit/field review
- Understand the Town of Hilton Head Island's concern with the proposed concept and existing model
- Identify what has already been completed for the project

Task 2: Model and Recommended Concept Review

Review previous models and concept recommendations

- Review assumptions contained within the model – Daily Hour, Land Use, & other input variables
- Review data collection approach and study area
- Review model outputs and subsequent recommendations for intersection operations and bridge concepts

Model Review and Concept Review Memo

- Compile findings into a Summary Review Memo, identifying primary findings and recommendations for improvement

Task 3: Updating Model & Operational Updates

Model and Operational Analysis Updates

- The model updates will be based on the version of the LATS model utilized to develop the project
- Confirm that the base traffic demand model accurately takes into trips generated by visitor traffic, mass transit traffic, and traffic demand from redevelopment from existing island parcels.
- Update the model based on findings in Task 2 and coordination with the Town of Hilton Head & Beaufort County
- Expand the model and study area to include the following signalized intersections and merge points east of Spanish Wells Road
 - US 278 merge with Cross Island Parkway
 - US 278 Bus (William Hilton Parkway) at Gum Tree Road
 - US 278 Bus (William Hilton Parkway) at Jarvis Park Road
 - US 278 Bus (William Hilton Parkway) at Pembroke Drive/Museum Street

- US 278 Bus (William Hilton Parkway) at Indigo Run Drive/Whooping Crane Way
- US 278 (Palmetto Bay Road) at Point Comfort Road/Arrow Road
- Palmetto Bay Road at Target Road
- US 278 Bus (William Hilton Parkway) at Palmetto Bay Road (Sea Pines Circle)
- Expand the model and study area to include the following signalized intersections and merge points west of Bluffton Parkway Flyover on US 278
 - US 278 (Fording Island Road) at Buckingham Plantation Drive/Moss Creek Drive (on Mainland)
 - Bluffton Parkway at Buckingham Plantation Drive (on Mainland)
- Traffic counts for the study area intersections will be obtained from the Town of Hilton Head Island
- Any additional counts not available from the Town of Hilton Head or SCDOT shall be collected by the consultant as necessary.
- Ensure the model includes most recent traffic data that reflects the toll removal on the Cross Island Parkway
- Generate model outputs for study area with new assumptions and volumes & analyze operations in Synchro/VISSIM
- Evaluate how Adaptive Traffic Signals could impact the traffic flow and average travel times along the corridor at peak times as well as other periods. The Town and County are expected to implement Adaptive Signals on the William Hilton Parkway/US 278 Corridor from I-95 to Sea Pines Circle. Answer questions related to potential for downstream impacts
- Evaluate opportunities to achieve operational efficiency by maintaining four lanes (two lanes in each direction) between the Windmill Harbour and Squire Pope Road intersections with William Hilton Parkway. These include system improvements that result from Intelligent Traffic Systems and other operational adjustments that may provide improved efficiency in the system
- Coordinate and refine recommendations with the Town of Hilton Head Island and Beaufort County
- Participate in meetings as directed by the Town of Hilton Head Island and Beaufort County

Task 4: Proposed Intersection Improvements & Potential Future Projects

- Evaluate the safety for bicycle and pedestrians within the original Project Study Area from Moss Creek Drive to Spanish Wells Road and make recommendations on ways to improve the safety of the proposed intersections.
- Identify potential modifications to the proposed intersection designs of the preferred alternative within the original Project Study Area from Moss Creek to Spanish Wells Road that deliver the same (or better) expected operational level within the same (or smaller) footprint of the currently planned project. Include estimated increased or decreased costs for the potential modifications to the intersection designs. Potential modifications that increase the project footprint and impacts to the human and natural environment should be excluded.
- Based on the findings of Task 3 for intersections outside of the original project study area, develop alternatives to improve operations in the future.
 - Evaluation should include traffic improvements (LOS, delay, etc.) as well as anticipated project costs and known impacts or concerns with the alternatives
 - Assume up to 3 alternatives for each impacted intersection are evaluated

- Develop a Summary of Recommendations for review by the Town of Hilton Head and Beaufort County that can be utilized to secure future funding for the improvements beyond the Project Study Area

Task 5: Draft and Final Report

- Compile model updates, operational analysis, and findings into a report for a review and discussion with Beaufort County and Hilton Head Island staff.
- Finalize elements into draft and final reports, including executive summaries and recommendations
- Presentation of final findings to both County Council and Town Council for endorsement/adoption by both Councils
- Submit final report electronically

PROPOSAL SUBMISSION INSTRUCTIONS

1. Electronically submit file by using the Vendor Registry process through our County Website at www.beaufortcountysc.gov. File name must contain the Vendors name and Project name:
 - a. **Proposal Submittal Contents (items #1-#5 on page 8).**
 - b. **Exhibits A&B**
2. Consultant(s) will be emailed a copy of the Statement of Award.
3. Prohibition of Gratuities: It shall be unethical for any person to offer, or give, or agree to give any County employee or former County employee, or for any County employee or former County employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore.
4. Questions
 - a. Submit questions at least ten (10) calendar days prior to proposal closing date to Vendor Registry
 - b. Answers to questions received that would change and/or clarify this solicitation will be provided be posted on Vendor Registry as addendum.
 - c. Selection Committee members SHALL NOT be contacted during the RFQ process.
5. In order to do business with the Beaufort County, vendors must register with Procurement Services through our Vendor Registration system, powered by Vendor Registry. The County may reject any quotes, bids, proposals, and qualifications submitted by businesses that are not registered. Registering also allows businesses to identify the type of goods and services they provide so that they may receive email notifications regarding relevant solicitations out for bid.

To register with the County, go to www.beaufortcountysc.gov and go to the Procurement Services Department's page and click on Vendor Registration. Once registered you may submit your proposal through the solicitation section in Vendor Registry.

PROPOSAL SUBMITTAL CONTENTS

To achieve a uniform review process and allow for adequate comparability, the information is to be organized in the manner specified below and the entire package must not exceed 15 double-sided printed pages excluding Exhibit A and B, cover pages and tabs.

1. **Executive Summary**: Objectives of the project, scope of work, and related issues which must be addressed throughout development stages of the planning.
2. **Approach to the Ranking/Planning Process**: Explanation of the process to provide a ranking system that is equitable and repeatable based on parameters defined in the scope of work.
3. **Work Plan and Scheduling** – A summary of tasks to be performed from evaluation of data through County approval of the final plan. Include a timeline of key milestone dates to include overall durations for each major task.
4. **Experience and Qualifications**: Experience and qualifications of the team members, with an emphasis on similar type project completed within the last five (5) years. Provide an organization chart including sub-consultants and contractors.
5. **List any exceptions, qualifications, or exclusions to this RFQ:**

ALL OTHER PAGES SHALL REMAIN PART OF THE RFQ

BY REFERENCE AND IT IS NOT NECESSARY TO RETURN THESE ITEMS.

Reserved Rights

The County shall not be responsible for any of the costs associated with responding to this request and all submitted materials shall become the property of the County. Furthermore, the County expressly reserves the right and options to:

- Reject any or all consultants and re-advertise if deemed necessary
- Waive any or all formalities and technicalities
- Approve, disapprove, or cancel all services associated with the project

Selection & Notification

The selected firms will be given written notification of being selected by the County. This work may be awarded in whole or in part at the sole discretion of the County. The County will negotiate and execute a contract with the selected firm(s) prior to the beginning of the actual services. Should contract negotiations fail, the County will negotiate with one or the other highly ranked firms. In general, the contract will comply with applicable laws and standard provisions and shall contain the following terms:

- Detailed scope of services
- Schedule for providing services

Beaufort County Standards for Contracting

CHAPTER 1. TYPES OF CONSULTANT SERVICES

- 1-1. Consultant Services

CHAPTER 2. PROCEDURES FOR SELECTION OF CONSULTANTS

- 2-1. General
- 2-2. Objective
- 2-3. Qualifications-Based Selection Procedures
- 2-4. Selection Criteria

CHAPTER 3. CONTRACT FORMAT AND PROVISIONS

- 3-1. Mandatory Contract Provisions
- 3-2. Time Overruns Beyond Control of the Consultant

CHAPTER 4. METHODS OF CONTRACTING AND ALLOWABLE COSTS

- 4-1. Allowable Costs
- 4-2. Nonallowable Costs
- 4-3. Fixed Payment

CHAPTER 5. BEAUFORT COUNTY STANDARD CLAUSES

- 5-1. Contract Requirements
- 5-2. Special Instructions

CHAPTER 1. TYPES OF CONSULTANT SERVICES REQUIRED:

Beaufort County requests qualifications from all interested firms, licensed in the State of South Carolina, experienced in providing engineering services to complete an independent review for long-term mobility associated with the William Hilton Parkway/US 278 Corridor Improvement project

CHAPTER 2. PROCEDURES FOR SELECTION OF CONSULTANTS

2-1. GENERAL

Qualifications-based procedures require that a contract for consulting services be awarded pursuant to a fair and open selection process based on the qualifications of the firms. The fees for such services are established following selection of a firm through a negotiation process to determine a fair and reasonable price.

2-2. OBJECTIVE

Consultants employed for work on projects shall be responsible and possess the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as integrity, record of past performance, extent of experience with the type of services required by the sponsor, technical resources, and accessibility to other necessary resources.

2-3. QUALIFICATIONS-BASED SELECTION PROCEDURES. Consultants shall be selected based on their qualifications and experience, with fees determined through negotiations following selection. **The highest ranked offeror shall be selected, and price shall be negotiated with highest ranking firm as identified through the qualifications-based selection procedure.**

2-4. SELECTION CRITERIA. Criteria include, but are not limited to, the following:

- a) Experience and knowledge with local, state, and federal regulations and permitting. Consultant to disclose the type and number of projects performed for SCDOT, Beaufort County or the Town of Hilton Head over the last 5 years.
- b) Knowledge of local conditions and potential challenges to be considered in developing the project. The ability to address and solve challenges in the design process.
- c) Ability to provide various design options, to evaluate cost-benefit analysis, taking construction and maintenance costs into consideration.
- d) Track record in meeting deadlines, achieving positive results, and providing most cost-effective/best options to implement.

CHAPTER 3. CONTRACT FORMAT

- 3-1. **MANDATORY CONTRACT PROVISIONS.** All contracts involving State or Federal funds must contain the applicable procurement standards in 49 CFR 18.36. Listed below are those provisions which pertain to consultant contracts:
- a. Contracts shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for sanctions and penalties as may be appropriate.
 - b. Contracts over \$10,000 shall contain suitable provisions for termination by the sponsor, including how it will be affected and the basis for settlement. In addition, contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the consultant.
 - c. All negotiated contracts shall include provisions to the effect that sponsors, the Federal Department of Transportation, the Comptroller General of the United States, or any of the duly authorized representatives shall have access to any books, documents, papers, and records of consultants which are directly pertinent to a specific grant program, for the purpose of making audits, examinations, excerpts, and transcriptions. Sponsors shall require consultants to maintain all required records for 3 years after the sponsor makes final payment and all other pending matters are closed.
 - d. In addition to the requirements contained in 49 CFR Section 23, Participation by Minority Business Enterprises in Department of Transportation Programs, and AC 150/5100-15, Civil Rights Requirements for the Airport Improvement Program, current edition, the Title VI, and Disadvantaged Business Enterprise Assurances in Appendix 1 shall be included in each contract.

3-2. **TIME OVERRUNS BEYOND CONTROL OF THE CONSULTANT.** Frequently, the consultant is called upon to continue technical inspection services on construction contracts--overrunning the program schedule contemplated at the time of negotiation. In most instances, the time element is beyond the control of the consultant. To provide for the contingency of overrun of time, the agreement between the County and the consultant will state the period for which the compensation shall apply and that the consultant shall be reimbursed for services in excess of the specified period of time at a mutually acceptable fee negotiated at the time all the pertinent circumstances are known.

CHAPTER 4. METHODS OF CONTRACTING AND ALLOWABLE COSTS

4-1. ALLOWABLE COSTS.

- a. **Direct Salary Costs.**
 - (1) Direct salary cost is defined as the cost of salaries of engineers, draftsmen, surveyors, stenographers, clerks, etc., for time directly chargeable to the project.
 - (2) Salaries or imputed salaries of partners or principals, to the extent that they perform technical or advisory services directly applicable to the project, are to be added to salary cost.
- b. **Overhead Costs.** Overhead costs include overhead on direct salary costs and general and administrative overhead.
 - (1) **Labor Overhead.** Overhead on direct salary costs includes sick leave, vacation, and holiday pay; unemployment, excise, and payroll taxes; contributions for social security, employment compensation insurance, retirement benefits, and medical insurance benefits; and any other benefits customarily paid to or enjoyed by all

employees. The allowable percentage for labor overhead allocable to a project is the ratio of (a) a firm's total direct labor overhead costs to (b) a firm's total direct salary costs (excluding overtime) for a given period, usually the average for the past 3 years.

(2) General and Administrative Overhead. General and administrative overhead includes the following indirect costs which are not directly attributable to specific projects.

(a) Provisions for office, light, heat, and similar terms for working space, depreciation allowances or rental for furniture, drafting equipment and engineering instruments, and office and drafting supplies not identifiable to specific projects.

(b) Taxes and insurance other than those included as salary cost but excluding state and Federal income taxes.

(c) Library and periodical expenses, and other means of keeping abreast of advances in engineering such as attendance at technical and professional meetings and subscriptions to trade, business, professional, or technical periodicals.

(d) Executive, administrative, accounting, legal, stenographic, and clerical salaries, and expenses (other than identifiable salaries included in salary costs and expenses included in reimbursable non-salary expenses, plus salaries or imputed salaries of partners and principals) to the extent that they perform general executive and administrative services as distinguished from technical or advisory services directly applicable to projects.

(e) Costs of memberships in trade, business, technical, and professional organizations.

(f) Incentive compensation for management employees, cash bonuses, suggestion awards, safety awards, and incentive compensation based on production, cost reduction, or efficient performance are allowable to the extent that the overall compensation is determined to be reasonable, and such costs are paid or accrued pursuant to an agreement entered into in good faith between the consultant and the employees before the services are rendered or pursuant to an established plan followed by the consultant so consistently as to imply, in effect, an agreement to make such payment. The allowable percentage for general and administrative overhead allocable to a project is the ratio of (a) all general and administrative costs to (b) total direct salary costs (excluding overtime) for a given period, usually the average for the past 3 years.

c. Direct Non-salary Expenses. Direct non-salary expenses usually incurred may include the following (detailed records must be kept supporting charges and allow auditing):

(1) Living and traveling expenses of employees, partners, and principals when away from the home office on business connected with the project. (Records must include employee name, dates, points of travel, mileage rate, lodging, and meals.)

(2) Identifiable communication expenses such as long-distance telephone, telegraph, cable, express charges, and postage, other than for general correspondence.

(3) Services directly applicable to the work such as special legal and accounting

expenses, computer rental and programming costs, special consultants, borings, laboratory charges, commercial printing and bindings, and similar costs that is not applicable to general overhead.

- (4) Identifiable drafting supplies and stenographic supplies and expenses charged to the sponsor's work as distinguished from such supplies and expenses that are applicable to two or more projects.
- (5) Identifiable reproduction costs applicable to the work such as blueprinting, photostetting, mimeographing, printing, etc.
- (6) Advertising costs which are solely for the recruitment of personnel required for the performance by the consultant of obligations arising under the contract.

4-2. **NON-ALLOWABLE COSTS.** The expenses listed below are not allowable for reimbursement:

- a. Costs of amusement and social activities and incidental costs relating thereto such as meals, lodging, rentals, transportation, and gratuities.
- b. Contributions and donations.
- c. Bad debts, including losses due to uncollectible customer's accounts and other claims, related collection costs, and related legal costs, arising from other businesses of the consultant.
- d. Dividend provisions or payments and, in the case of sole proprietors and partners, distributions of profit.
- e. Interest on borrowed capital.
- f. Bonus payment for early completion of work.

4-3. **FIXED PAYMENT.** To all the estimated costs, including overhead, a percentage rate is applied to determine payment for profit, willingness to serve, and assumption of responsibility.

CHAPTER 5. BEAUFORT COUNTY STANDARD CLAUSES

CONTRACTUAL REQUIREMENTS

1.0 **EXCUSABLE DELAY:** The Firm shall not be liable for any excess costs, if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Firm. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Firm. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Firm and the subcontractor, and without the fault or negligence of either of them, the Firm shall not be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Firm to meet the required delivery schedule.

2.0 **S.C. LAW CLAUSE:** Upon award of a contract under this Request for QUALIFICATIONS, the person, partnership, association, or corporation to whom the award is made must comply with local and State laws which require such person or entity to be authorized and/or licensed to do business in Beaufort County. Notwithstanding the fact that applicable statutes may exempt or exclude the successful offeror from requirements that it be authorized and/or licensed to do business in Beaufort County, by submission of this signed Request for QUALIFICATIONS the offeror agrees to subject

itself to the jurisdiction and process of the Fourteenth Judicial Circuit Court of Beaufort County, as to all matters and disputes arising or to arise under the contract and the performance thereof including any questions as to the liability for taxes, licenses, or fees levied by State or local government.

- 3.0 OFFEROR'S QUALIFICATIONS: Firms must, upon request of the County, furnish satisfactory evidence of their ability to furnish services in accordance with the terms and conditions of this Request for QUALIFICATIONS. The Procurement Services Department reserves the right to make the final determination as to the offeror's ability to provide the services requested herein, before entering into any contract.
- 4.0 OFFEROR RESPONSIBILITY: Each Firm shall fully acquaint himself with conditions relating to the scope and restrictions attending the execution of the work under the conditions of this Request for QUALIFICATIONS. The failure or omission of an offeror to acquaint themselves with existing conditions shall in no way relieve him of any obligation with respect to this Request for QUALIFICATIONS or to the contract.
- 5.0 AFFIRMATIVE ACTION: The Firm will take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of the handicapped and concerning the treatment of all employees, without regard or discrimination by reason of race, religion, sex, national origin, or physical handicap.
- 6.0 FIRM RESPONSIBILITIES: The Firm will be required to assume sole responsibility for the complete effort, as required by this RFQ. The County will consider the Firm to be the sole point of contact with regard to contractual matters.
- 7.0 SUBCONTRACTING: If any part of the work covered by this RFQ is to be subcontracted, the Firm shall identify the subcontracting organization and the contractual arrangements made with same. All subcontractors must be approved, in writing by the County, or when applicable a political subdivision within the County with the County's concurrence. The successful Firm will also furnish the corporate or company name and the names of the officers of any subcontractors engaged by the Firm. The County reserves the right to reject any or all subcontractors and require substitution of a firm qualified to participate in the work as specified herein.
- 8.0 OWNERSHIP OF MATERIAL: Ownership of all data, material, and documentation originated and prepared for the County pursuant to this contract shall belong exclusively to the County.
- 9.0 PERFORMANCE AND PAYMENT BONDS: (*NOT Required for Professional Services*) The successful Contractor shall furnish, within ten (10) days after written notice of acceptance of Request for QUALIFICATIONS, Performance and Payment Bonds. Contractor shall provide and pay the cost of a both bonds. The Bonds shall be in the amount of one hundred percent (100%) the contract, issued by a Surety Company licensed in South Carolina with an "A" minimum rating of performance as stated in the most current publication of "Best's Key Rating Guide, Property Liability" which shall show a financial strength rating of at least five (5) times the Contract Price. The Bond shall be accompanied by a "Power of Attorney" authorizing the attorney-in-fact to bind the surety and certified to include the date of the bond.
- 10.0 NONRESIDENT TAXPAYERS: If the offeror is a South Carolina nonresident taxpayer and the contract amount is \$10,000.00 or more, the offeror acknowledges and understands that in the event he is awarded a contract offeror shall submit a Nonresident Taxpayer Registration Affidavit (State

form #1-312-6/94), before a contract can be signed. Affidavit must certify that the nonresident taxpayer is registered with the S.C. Department of Revenue or the S.C. Secretary of State's Office, in accordance with Section 12-9-310(A) (2) (3) of S.C. Code of Laws (1976) as amended.

- 11.0 BUSINESS LICENSE In accordance with the *Beaufort County Business License Ordinance, 99-36, Article III*, as enacted November 22, 1999, any business or individual generating income in the unincorporated area of Beaufort County is required to pay an annual license fee and obtain a business license. The ordinance referenced is available on the Beaufort County website at www.beaufortcountysc.gov or by calling the Business License Administrator at (843) 255-2270 for a list of schedules.
- 12.0 ADDITIONAL ELIGIBILITY: Other Beaufort County Public Procurement units shall, at their option, be eligible for use of any contracts awarded pursuant to this Invitation.
- 13.0 INSURANCE REQUIREMENTS: Prior to commencing work/delivery hereunder, Contractor/Firm, at his expense, shall furnish insurance certification showing the certificate holder as Beaufort County, P.O. Drawer 1228, Beaufort, SC 29901-1228, Attention: Procurement Services Director and with a special notation naming Beaufort County as an additional insured on the liability coverage. Minimum coverage shall be as follows:
- (A) Worker's Compensation Insurance - Contractor shall have and maintain, during the life of this contract, Worker's Compensation Insurance for his employees connected to the work/delivery, in accordance with the Statutes of the State of South Carolina and any applicable laws.
 - (B) Commercial General Liability Insurance – Contractor shall have and maintain, during the life of this contract, Commercial General Liability Insurance. Said Commercial General Liability Policy shall contain Contractual Liability and Products/Completed Operations Liability subject to the following minimum limits: \$1,000,000 Each Occurrence/ \$2,000,000 General Aggregate and \$2,000,000 Products/Completed Operations Aggregate naming Beaufort County as an additional insured.
 - (C) Comprehensive Automobile Liability Insurance - The Contractor shall have and maintain, during the life of this contract, Comprehensive Automobile Liability, including non-owned and hired vehicle, of at least \$500,000 COMBINED SINGLE LIMIT.
 - (D) ADDITIONAL INSURANCE REQUIREMENT: Umbrella Liability Insurance – Contractor shall have and maintain, during the life of this contract, Umbrella Liability Insurance with a minimum limit of \$2,000,000
 - (E) Professional Liability (Errors & Omissions) – The vendor shall maintain a limit no less than \$1,000,000 per occurrence.
 - (F) The required insurance policy at the time of issue must be written by a company licensed to do business in the State of South Carolina and be acceptable to the County.
 - (G) The Contractor/vendor shall not cause any insurance to be canceled or permit any insurance to lapse. All insurance policies shall contain a clause to the effect that the policy shall not be canceled or reduced, restricted, or limited until fifteen (15) days after the County has received written notice, as evidenced by return receipt of registered or certified letter. Certificates of Insurance shall contain transcript from the proper office of the insurer, the location, and the operations to which the insurance applies, the expiration date, and the above-mentioned notice of cancellation clause.
 - (H) The information described above sets forth-minimum amounts and coverages and is not to be construed in any way as a limitation on the Contractor's liability.

14.0 INDEMNITY:

The Firm hereby agrees to indemnify and save harmless the County, its officers, agents, and employees from and against any and all liability, claims, demands, damages, fines, fees, expenses, penalties, suits, proceedings, actions and cost of actions, including attorney's fees for trial and on appeal of any kind and nature arising or growing out of or in any way connected with the performance of the Agreement, whether by act of omissions of the Firm, its agents, servants, employees or others, or because of or due to the mere existence of the Agreement between the parties.

15.0 TERMINATION FOR DEFAULT:

15.1 The performance of Work under the Agreement may be terminated by the Procurement Services Director, in accordance with this clause, in whole or in part, in writing, whenever the Director of Procurement Services shall determine that the Contractor has failed to meet the performance requirements of this Agreement.

15.2 The Procurement Services Director has the right to terminate for default, if the Firm fails to make delivery of the contracted deliverables or perform the Work, or if the Firm fails to perform the Work within the time specified in the Agreement, or if the Firm fails to perform any other provisions of the Agreement.

16.0 TERMINATION FOR CONVENIENCE: The County may without cause terminate this contract in whole or in part at any time for its convenience. In such instance, an adjustment shall be made to the Firm, for the reasonable costs of the work performed through the date of termination. Termination costs do not include lost profits, consequential damages, delay damages, unabsorbed or under absorbed overhead of the Firm or its subcontractors, and/or failure to include termination for convenience clause into its subcontracts and material purchase orders shall not expose the County to liability for lost profits in conjunction with a termination for convenience settlement or equitable adjustment. The Firm expressly waives any claims for lost profit or consequential damages, delay damages, or indirect costs which may arise from the County's election to terminate this contract in whole or in part for its convenience.

17.0 TERMINATION FOR NON-APPROPRIATIONS: Funds for this contract are payable from State and/or Federal and/or Beaufort County appropriations. In the event sufficient appropriations are not made to pay the charges under the contract it shall terminate without any obligation to Beaufort County.

SPECIAL INSTRUCTIONS

- 1.0 INTENT TO PERFORM: It shall be the Firm's responsibility to advise the Procurement Services Department if any language, requirements, etc., or any combinations thereof inadvertently restricts or limits the requirements stated in this RFQ to a single source. Such notification must be submitted in writing and must be received by the Procurement Services Department not later than ten (10) days prior to the Request for QUALIFICATIONS opening date. A review of such notifications will be made.
- 2.0 RECEIPT OF REQUEST FOR QUALIFICATIONS: Request for Qualifications, amendments thereto, or withdrawal requests received after the time advertised for Request for Qualifications opening will be void, regardless of when they were mailed.
- 3.0 PREPARATION OF REQUEST FOR QUALIFICATIONS
 - 3.1 All Requests for QUALIFICATIONS should be complete and carefully worded and must convey all the information requested by the County. If significant errors are found in the offeror's Request for QUALIFICATIONS, or if the Request for QUALIFICATIONS fails to conform to the essential requirements of the RFQ, the County and the County alone will be the judge as to whether that variance is significant enough to reject the Request for QUALIFICATIONS.
 - 3.2 Request for QUALIFICATIONS should be prepared simply and economically, providing a straightforward, concise description of offerors capabilities to satisfy the requirements of the RFQ. Emphasis should be on completeness and clarity of content.
 - 3.3 Each copy of the Request for QUALIFICATIONS should be bound in a single file where practical. All documentation submitted with the Request for QUALIFICATIONS should be bound in that single file.
 - 3.4 If your Request for QUALIFICATIONS includes any comment over and above the specific information requested in our Request for Request for QUALIFICATIONS (RFQ), you are to include this information as a separate appendix to your Request for QUALIFICATIONS.
- 4.0 AMENDMENTS: If it becomes necessary to revise any part of the RFQ, an amendment will be provided to all offerors who received the original Request for Request for QUALIFICATIONS. The County shall not be legally bound by an amendment or interpretation that is not in writing.
- 5.0 ADDITIONAL INFORMATION: Offerors requiring additional information may submit their questions, in writing through Vendor Registry. Answers to questions received that should change and/or clarify this solicitation will be provided in writing to all offerors via an amendment.
- 6.0 ORAL PRESENTATION/DISCUSSIONS: Any offeror or all offerors may be requested to make an oral presentation of their Request for QUALIFICATIONS to the County, after the Request for QUALIFICATIONS opening. Discussions may be conducted with responsible Firms, who submit Request for QUALIFICATIONS determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirement.

Firms shall be accorded fair and equal treatment with respect to any opportunity for discussions and revision of Request for QUALIFICATIONS, and such revisions may be permitted after submissions and prior to award. The purpose of these presentations/discussions will be to:

- (A) Determine in greater detail such offeror's QUALIFICATIONS.
- (B) Explore with the Firm the scope and nature of the project, the offeror's proposed method of performance, and the relative utility of alternative methods of approach.
- (C) Determine that the Firm will make available the necessary personnel and facilities to perform within the required time.
- (D) Agree upon fair and reasonable compensation, taking into account the estimated value of the required services, the scope and complexity of proposed project, and nature of such services.

7.0 FUNDING: The offeror shall agree that funds expended for the purposes of the contract must be appropriated by the County Council for each fiscal year included within the contract period. Therefore, the contract shall automatically terminate without penalty or termination costs if such funds are not appropriated. In the event that funds are not appropriated for the contract, the Firm shall not prohibit or otherwise limit the County's right to pursue and contract for alternate solutions and remedies, as deemed necessary by the County for the conduct of its affairs. The requirements stated in this paragraph shall apply to any amendment or the execution of any option to extend the contract.

8.0 AWARD: An award resulting from this request shall be awarded to the responsive and responsible Firm whose Request for QUALIFICATIONS is determined to be most advantageous to the County, taking into consideration price and the evaluation factors set forth herein; however, the right is reserved to reject any and all Request for QUALIFICATIONS received, and in all cases the County will be the sole judge as to whether a Firm's Request for QUALIFICATIONS has or has not satisfactorily met the requirements of this RFQ.

9.0 PUBLIC ACCESS TO PROCUREMENT INFORMATION: No such documents or other documents relating to this procurement will be presented or made otherwise available to any other person, agency, or organization until after award. Commercial or financial information obtained in response to this RFQ, which is privileged and confidential, will not be disclosed. Such privileged and confidential information includes information which, if disclosed, might cause harm to the competitive position of the offeror supplying the information. **All Firms, therefore, must visibly mark as "Confidential" each part of their Request for QUALIFICATIONS, which they consider containing proprietary information.**

10.0 DEVIATIONS: Any deviations from the requirements of this RFQ must be listed separately and identified as such in the table of contents.

12.0 GRATUITIES: It shall be unethical for any person to offer, or give, or agree to give any County employee or former County employee; or for any County employee or former County employee to solicit, demand, accept, or agree to accept from another person a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy,

or other particular matter pertaining to any program requirement, or a contract or subcontract, or to any solicitation or Request for QUALIFICATIONS therefore.

13.0 KICKBACKS: It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontractor order.

14.0 PROTEST PROCEDURES

14.1 Right to Protest: Any actual or prospective bidder, offeror, or firm, who is aggrieved, in connection with the solicitation or award of a contract, may protest to the Procurement Services Director. The protest shall be submitted in writing fourteen (14) days after such aggrieved person knows or should have known of the facts giving rise thereto. The protest must be accompanied by a detailed statement, indicating the reasons for such protest.

14.2 Authority to Resolve Protest: The Procurement Services Director shall have authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve a protest of an aggrieved bidder, offeror, or contractor; actual or prospective, concerning the solicitation or award of a contract.

14.3 Decision: If the protest is not resolved by mutual agreement, the Procurement Services Director shall issue a decision, in writing within ten (10) days. The decision shall,

- (A) State the reasons for the action taken; and
- (B) Inform the protestant of its right to administrative review as provided in this Section.

14.4 Notice of Decision: A decision under Subsection (3) of this Section shall be mailed or otherwise furnished immediately to the protestant and any other party intervening.

14.5 Finality of Decision: A decision under Subsection (3) of this Section shall be final and conclusive, unless fraudulent, or

- (A) Any person adversely affected by the decision appeals administratively, within ten (10) days after receipt of decision under Subsection (3) to the County Council in accordance with this Section.
- (B) Any protest taken to the County Council or court shall be subject to the protestant paying all administrative costs, attorney fees, and court costs when it is determined that the protest is without standing.

EXHIBIT A

Certification regarding Debarment, Suspension, Ineligibility, and Voluntary exclusion

The contractor certifies, by submission of this qualification statement or acceptance of a contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any State, Federal department, or agency.

It further agrees by submitting this qualification statement that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the bidder/contractor or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/bid.

State whether your company has been involved in any litigation within the past five (5) years, arising out of your performance.

Circle Yes or No

if you answer yes, explain fully if it has been involved in any litigation involving performance.

EXHIBIT B

CERTIFICATION BY CONTRACTOR

Regarding

NON-SEGREGATED FACILITIES

The Bidder certifies that he does not, and will not, provide and maintain segregated facilities for his employees at his establishments and, further that he does not, and will not, permit his employees to perform their services at those locations, under his control, where segregated facilities are provided and maintained. Segregated fountains, transportation, parking, entertainment, recreation, ad housing facilities; waiting, rest, wash, dressing, and locker room, and time clock, work, storage, restaurant, and other eating areas which are set apart in fact, or by explicit directive, habit, local custom, or otherwise, based on color, creed, national origin, and race. The Bidder agrees that, except where he has obtained identical certifications from proposed subcontractors for specific time periods, he will obtain identical certifications from proposed subcontractors prior to the award of subcontractors exceeding **\$10,000.00** which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

The Bidder agrees that a breach of this certification is a violation of the Equal Opportunity clause in this Contract. The penalty for making false statements is prescribed in 18 U.S.C. 1001.

Contractor

(Signature)

Name and Title of Signer

Date

EXHIBIT C

EVALUATION FORM

DATE: _____

RFQ#: _____ TITLE: _____

OFFEROR: _____


		POINT RANGE	POINTS ASSIGNED
1.0	Experience and knowledge with local, state, and federal regulations and permitting. Consultant to disclose the type and number of projects performed for SCDOT, Beaufort County or the Town of Hilton Head over the last 5 years.	0-25 Points	
2.0	Knowledge of local conditions and potential challenges to be considered in developing the project. The ability to address and solve challenges in the design process.	0-25 Points	
3.0	Ability to provide various design options, to evaluate cost-benefit analysis, taking construction and maintenance costs into consideration	0-25 Points	
4.0	Track record in meeting deadlines, achieving positive results, and providing most cost-effective/best options to implement.	0-25 Points	

TOWN OF HILTON HEAD ISLAND

RFQ Transmittal Page

Date Advertised: **February ##, 2023**

Offerors Shall Complete All Information Requested On This Page and Submit It With Their Qualifications

 <p>REQUEST FOR QUALIFICATIONS (RFQ)</p>	<p>Qualifications Submission:</p> <p>Qualifications will ONLY be accepted electronically via the Town's Procurement Portal which can be accessed using the link below: hiltonheadislandsc.bonfirehub.com</p>
<p>Solicitation Number: RFQ 2023-##</p> <p>Description/Title: Independent Review of the William Hilton Parkway Gateway Corridor</p>	<p>* Qualifications Submittal Deadline: 10:00 am Eastern Time on _____, 2023</p> <p>*Submittals will not be accepted after the stated time and date.</p> <p>Submittals will be publically opened via virtual conference at 10:15 am Eastern Time on _____, 2023. The link to participate in the virtual opening is provided in Section I of this RFQ.</p>
<p>Pre-Submittal Conference Information: Not applicable for this solicitation</p>	
<p>Town Contact: Richard Groth, Procurement Officer richg@hiltonheadislandsc.gov (843) 341-4711</p>	<p>Deadline For Questions: 2:00 pm Eastern Time on _____, 2023</p> <p>Questions must be submitted through the Town's Procurement Portal using the "Opportunity Q&A" feature in the "Messages" Section of the Portal.</p>
<p>Offeror Name:</p>	<p>Offeror Contact Name:</p>
<p>Offeror Mailing Address:</p>	<p>Offeror Contact Phone:</p>
<p>City-State-Zip-Code:</p>	<p>Offeror Contact Email Address:</p>
<p>By signature below, I certify that this submission is made and submitted without prior understanding, agreement, or connection with any corporation, firm or any corporation, firm, or person submitting qualifications for the same materials, supplies, equipment or services, and is in all respects fair and without collusion or fraud. I agree that this submittal shall be good and held open for a period of at least sixty (60) days from the Submittal Deadline. I agree to abide by all conditions of this solicitation and certify that I am authorized to sign this document on behalf of the Offeror.</p>	
<p>Offeror Authorized Signature:</p> <p>_____ Signature</p> <p>_____ Date</p>	<p>Name and Title of Signator:</p> <p>Name: _____</p> <p>Title: _____</p>

TOWN OF HILTON HEAD ISLAND

RFQ 2023-##

Independent Review of the William Hilton Parkway Gateway Corridor

I. GENERAL INFORMATION AND SUBMITTAL INSTRUCTIONS

The Town of Hilton Head Island is soliciting responses from qualified engineering firms (“Offerors” or “Consultants”) licensed in South Carolina to provide Independent Review of the William Hilton Parkway Gateway Corridor for the Town in accordance with the scope of work and specifications provided herein.

Qualifications must be submitted by the Qualifications Submittal Deadline shown on the Transmittal Page. Qualifications will ONLY be accepted electronically via the Town’s Procurement Portal which can be accessed using the following link hiltonheadislandsc.bonfirehub.com<https://hiltonheadislandsc.bonfirehub.com/portal>. If electronic submittal poses a hardship, please notify the Town Contact person identified on the Transmittal Page.

There will be a MANDATORY meeting will be held virtually on **February ##, 2023/#:00PM** (EST). Please contact Rich Groth at richg@bcgov.net to request an invitation. Only vendors that attend this meeting shall be qualified to submit a proposal. **The Town will have an advisory committee and review the submittals and make recommendation for selection based on the stated criteria.**

Submittals will be publically opened via virtual conference at the date and time indicated on the Transmittal Page. Only the names of Offerors will be provided at the opening. No other information will be shared at that time. To participate, please use the following meeting link and information.

<p>Virtual Opening of Submittals Link and Information 10:15 am Eastern Time on _____, 2023</p> <p>To join the meeting on a computer or mobile phone: https://bluejeans.com/8433843231?src=calendarLink&flow=joinmeeting</p> <p>Phone Dial-in +1.404.458.0105 (United States) +1.312.216.0325 (US (Chicago)) Global Numbers: https://www.bluejeans.com/numbers</p> <p>Meeting ID: 843 384 3231</p> <p>Want to test your video connection? https://bluejeans.com/111</p>

All questions regarding this solicitation must be submitted in writing via the Town’s

Procurement Portal using the “Opportunity Q&A” feature in the “Messages” Section. Questions will be answered via the Procurement Portal as well. Offeror’s who have downloaded an original solicitation will receive email notification if any addendums have been issued for that solicitation. **However, it is still the Offeror’s responsibility to check the procurement portal for any issued addendums prior to submitting their qualifications.**

The Town reserves the right to accept or reject any or all submittals received as a result of this solicitation, to negotiate with all qualified Offerors, to award multiple contracts for all or part of the scope of work, or to cancel in part or in whole this solicitation, if in the best interests of the Town. The Town reserves the right to refuse any and all submittals and to waive any technicalities and formalities. The Town reserves the right to waive any requirement in this solicitation, including material requirements, if such requirement is unmet by all Offerors, and, such a waiver is determined to be in the best interests of the Town.

This solicitation does not commit the Town to award a contract or to procure for any articles of goods or services. The Town shall not incur or pay for any costs associated with the preparation of Offeror submittals.

Submittals must be signed by an official of Offeror authorized to bind Offeror. Electronic signature using secure signature software is acceptable. By submitting, Offeror agrees that its submittal shall be good and held open for a period of at least sixty (60) days from the Due Date.

The Town does not discriminate on the basis of race, color, national origin, sex [including pregnancy and childbirth (or related medical conditions)], religion, age or disability in employment or in the provision of goods and services.

The Town recognizes that small businesses enterprises as well as businesses enterprises owned and operated by women and/or minority persons (collectively “disadvantaged business”) have historically faced challenges resulting in less than full participation in the free enterprise system to a degree disproportionate to other businesses. Therefore, the Town is committed to ensuring that such disadvantaged business enterprises are afforded every opportunity to fully and fairly participate in the Town’s procurement process for goods and services. In the event of a tie after the scoring of responses involving a certified disadvantaged Offeror and a non-disadvantaged Offeror, the Town will award the contract to the certified disadvantaged Offeror. Tied responses involving two certified disadvantaged Offerors will be settled by selecting the Offeror having the lowest total cost to the Town. It is the obligation of the disadvantaged Offeror to submit proof of current certification from a governmental entity in the United States at the time they submit their response in order for the certification to be considered by the Town in determining an award as described above. Tied responses involving two non-disadvantaged Offerors will be settled by selecting the Offeror having the lowest total cost to the Town.

II. SCOPE OF WORK

The Town desires to contract with qualified firm to conduct an Independent Review of the William Hilton Parkway Gateway Corridor project. It is the intent of the Town to have the selected firm review and verify the assumptions, methodologies, alternatives and preferred design recommendation are technically accurate and serve the best interest of Hilton Head Island. The specific scope, schedule and fee for the services necessary to develop the plan will be negotiated once the firm is selected. Anticipated services and tasks associated with the development of the plan may include, but are not limited to, the following:

Task 1: Project Initiation and Coordination:

- Initial meeting with Town of Hilton Head Island, Beaufort County, and Independent Consultant
- **Conduct Bi-weekly project status meetings with Town staff and the project advisory committee.**
- Review meeting with representations of Beaufort County, Town of Hilton Head Island, SCDOT and the existing design consultants on prior work performed
- Monthly update meetings with Town Manager
- Review and define the study area
- Perform a site visit/field review
- Understand the Town of Hilton Head Island's concern with the proposed concept and existing model
- Identify what has already been completed for the project

Task 2: Review Model Data and Recommended Design Concept

- Review assumptions contained within the model – Daily, Hour, Land Use, & other input variables
- Review data collection approach and study area
- Review model outputs and subsequent recommendations for intersection operations and bridge concepts
Model Review and Concept Review Memo
- Compile findings into a Summary Review Memo, identifying primary findings and recommendations for improvement

Task 3: Model and Operational Analysis Updates

- The model updates will be based on the version of the LATS model utilized to develop the project
- Confirm that the base traffic demand model accurately takes into trips generated by visitor traffic, mass transit traffic, and traffic demand from

- redevelopment from existing island parcels.
- Update the model based on findings in Task 2 and coordination with the Town of Hilton Head
 - Expand the model and study area to include the following signalized intersections and merge points east of Spanish Wells Road:
 - William Hilton Parkway (US 278) merge with Cross Island Parkway
 - William Hilton Parkway (US 278 Bus) at Gum Tree Road
 - William Hilton Parkway (US 278 Bus) at Jarvis Park Road
 - William Hilton Parkway (US 278 Bus) at Pembroke Drive/Museum Street
 - William Hilton Parkway (US 278 Bus) at Indigo Run Drive/Whooping Crane Way
 - Palmetto Bay Road (US 278) at Point Comfort Road/Arrow Road
 - Palmetto Bay Road at Target Road
 - Sea Pines Circle - William Hilton Parkway (US 278 Bus) at Palmetto Bay Road
 - Expand the model and study area to include the following signalized intersections and merge points west of Bluffton Parkway Flyover on US 278:
 - US 278 (Fording Island Road) at Buckingham Plantation Drive/Moss Creek Drive (on Mainland)
 - Bluffton Parkway at Buckingham Plantation Drive (on Mainland)
 - Existing traffic counts for the study area intersections will be obtained from the Town of Hilton Head Island and SCDOT
 - Any additional counts not available from the Town of Hilton Head or SCDOT shall be collected by the consultant as deemed necessary and agreed to by the Town
 - **The model shall include most recent available traffic data that reflects the toll removal on the Cross Island Parkway**
 - The model shall include the new adaptive traffic signal management system being deployed by the Town (Summer 2023)
 - Generate model outputs for study area with agreed upon new assumptions and latest volumes and analyze operations in Synchro/VISSIM. A key deliverable of this project is a visual simulation of the models which can show the comparison of the options
 - Evaluate how Adaptive Traffic Signals could impact the traffic flow and average travel times along the corridor at peak times as well as other periods. The Town and County are expected to implement Adaptive Signals on the William Hilton Parkway/US 278 Corridor from I-95 to Sea Pines Circle. Answer questions related to potential for downstream impacts
 - Evaluate opportunities to achieve operational efficiency by maintaining four lanes (two lanes in each direction) between the Windmill Harbor and Squire Pope Road intersections with William Hilton Parkway. These include system improvements that result from Intelligent Traffic Systems and other operational adjustments that may provide improved efficiency in the

- system
- Coordinate and refine recommendations with the Town of Hilton Head Island and Beaufort County
- Participate in meetings as directed by the Town of Hilton Head Island

Task 4: Proposed Intersection Improvements & Potential Future Projects

- Evaluate the safety for bicycle and pedestrians within the original Project Study Area from Moss Creek Drive to Spanish Wells Road and make recommendations on ways to improve the safety of the proposed intersections.
- Identify potential modifications to the proposed intersection designs of the preferred alternative within the original Project Study Area from Moss Creek to Spanish Wells Road that deliver the same (or better) expected operational level within the same (or smaller) footprint of the currently planned project. Include estimated increased or decreased costs for the potential modifications to the intersection designs. Potential modifications that increase the project footprint and impacts to the human and natural environment should be excluded.
- Based on the findings of Task 3 for intersections outside of the original project study area, develop alternatives to improve operations in the future.
- Evaluation should include traffic improvements (LOS, delay, etc.) as well as anticipated project costs and known impacts or concerns with the alternatives
- Assume up to 3 alternatives for each impacted intersection are evaluated
- Develop a Summary of Recommendations for review by the Town of Hilton Head and Beaufort County that can be utilized to secure future funding for the improvements beyond the Project Study Area

Task 5: Final Report

- Compile model updates, operational analysis, and findings into a report for a review and discussion.
- **The report shall contain a detailed quantitative, objective comparison of alternatives including pros and cons of each that assesses the conveyance and capacity efficacy, safety improvements, community and social impacts, environmental impacts, appearance/aesthetic impacts, and total costs. This comparison shall be summarized in a simple to understand, tabular format.**
- Finalize elements into draft and final reports, including executive summaries and recommendations.
- Presentation of final findings to Town Council for endorsement/adoption
- Submit final report electronically for endorsement/adoption by Town Council.
- All engineering work must be certified by a Professional Engineer.

The anticipated Table of Contents for the Final Report is provided below.

Hilton Head Island Independent Review of the William Hilton Parkway Gateway Corridor

Table of Contents

1. Executive Summary and Recommendations for Town Action
2. Introduction
3. Study Objectives
4. Data Sources and Needs
5. Modeling – Review and Updating
 - a. Data Sources
 - b. Assumptions and Methodologies
6. Regulatory and Legal Impacts
 - a. Town, County and State Regulations
 - b. Legal Implications
7. Alternative Strategies for Traffic Mitigation
 - a. Scope and Extents
 - b. Cost Estimates
 - c. Schedule
8. Recommendations
9. Glossary - Acronyms and Terms
10. References
11. List of Figures and Tables
12. Appendices

III. SUBMITTAL REQUIREMENTS AND FORMATTING

Offerors are REQUIRED to submit all requested information and/or documentation outlined in this RFQ. Any Offeror failing to do so may have their response rejected as being non-responsive and making them ineligible for contract award. Offeror must complete and return with their response the “Checklist of Submittal Requirements”, a copy of which is included in this solicitation as Exhibit A. Offerors shall submit their responses in a format and sequence that follows the section numbering and layout provided in this solicitation to assist the Town in its evaluation of responses.

A. QUALIFICATIONS SUBMITTAL:

Section 1 - General firm background and experience to include at a minimum:

- Location of primary operations/office (address) for work on this project and number of years at this location
- Number of years firm has performed similar work on Independent Review of the William Hilton Parkway Gateway Corridor;
- State the total number of similar projects completed in the last 5 years and for each provide whether your firm was the prime or a subconsultant;
- Identify Experience _____ – list all similar projects performed (project name, year, location) in the last 5 years
- Provide the dollar amount of the contract/project;
- Date of the contract completion, the type(s) and quantity of work;
- Provide client reference information to include client name, location of the contract work, and contact person’s name, telephone number and e-mail address.
- Any additional related information deemed pertinent.

Section 2 - Qualifications and Organization of Key Personnel/Project Team. Provide at a minimum:

- Provide an organizational chart of the team that will be assigned for the work on this contract with a name and role for each project team member, including support personnel;
- A resume for each team member to be assigned to this contract;
- The office location for each team member to be assigned to this contract.

Section 3 - Summary of firm’s technical capabilities related to the Scope of Work described in Section II. Identify any unique qualifications, tools, equipment, software, or methodologies to be employed under this contract.

Section 4 - List of any litigation history of the firm for the past 5 years

Section 5 - Any additional relevant information not provided above.

B. QUESTIONNAIRE

Offerors shall complete the Questionnaire provided in Exhibit D.

C. REQUIRED FORMS

- Exhibit A - Checklist of Submittal Requirements
- Exhibit C - Illegal Immigration Reform Act Affidavit
- Certificate of Insurance as evidence that Consultant meets the insurance requirements specified in Exhibit B of this RFQ.

V. EVALUATION CRITERIA

If a contract is awarded as result of this solicitation, such award shall be made to the responsive and responsible Offeror with the highest rated response based on the stated evaluation criteria.

Evaluation Criteria

- 1. Nature/Comparability/Quality of previously completed contracts/projects of similar scope (40%):**
- 2. Qualifications/abilities/experience of personnel (50%)**
- 3. Project team local experience (Southeast US Atlantic coast) (10%):**

After initial scoring of the above criteria, the Town reserves the right to select a short list of finalists for a presentation/interview. Results of the interview process shall factor into the final scoring for contract award.

VI. CONTRACT AWARD

If a contract is awarded as result of this solicitation, such award shall be made to the most qualified respondent(s). In the event that contract negotiations with the most qualified respondent(s) are unsuccessful, the Town reserves the right to begin contract negotiations with next most qualified respondent(s). The Town reserves the right to award multiple contracts and anticipates awarding to two firms.

Contract award, as well as contract continuation of the contract in subsequent fiscal periods, is subject to availability of Town funds. In the event that contract negotiations with the highest rated Offeror are unsuccessful, the Town reserves the right to begin contract negotiations with next highest rated Offeror.

VII. STANDARD CONTRACT TERMS AND CONDITIONS

Offeror acknowledges it has read and understands the terms and conditions provided in the Town's standard contract clauses attached hereto as Exhibit B, and Offeror also agrees that such clauses shall substantially form the basis for a contract between Offeror and Town. Offeror also acknowledges that terms and conditions provided in this RFQ, either in their entirety or relevant portions thereof, may be included and become part of any resulting contract. The anticipated term of the resulting contract shall be one year with the option to amend as mutually agreed.

DRAFT

EXHIBIT A

RFQ 2023-##

Independent Review of the William Hilton Parkway Gateway Corridor

Checklist of Submittal Requirements

The following checklist is intended to advise the Offeror of all items or information that must be included with their submittal. Offerors shall provide:

1. Completed Submittal Transmittal Page (page 1 of RFQ)
2. A Qualifications Submittal that addresses all the required elements and formatting as specified in this RFQ.
3. Completed Questionnaire (Exhibit D)
4. Copy of SC License
5. Fee Schedule (must be submitted separate from the main qualifications submittal of qualifications)
6. Signed Offeror Acknowledgement on this Exhibit A below.
7. Completed Affidavit acknowledging the requirements of the South Carolina Illegal Immigration Reform Act, Exhibit C.
8. Certificate of Insurance as evidence that Consultant meets the insurance requirements specified in Exhibit B of this RFQ. Town of Hilton Head Island shall be added as an Additional Insured on Consultant's Insurance upon contract award.
9. Offeror should include current Town business license with their submittal if they have one. If not, Offeror will be required to obtain one prior to commencing any work if awarded the contract.

Offeror Acknowledgements:

In the space provided, Offeror shall acknowledge receipt and review of the following addendums issued for this solicitation.

Addendum #'s: _____

I have read the above checklist of submittal requirements as well as this solicitation in its entirety, and understand that failure to submit any item, document, form or information identified as being required in either document, may result in the rejection of our submittal and eliminate our company from consideration for contract award.

Offeror/Firm: _____

Signature: _____

Name: _____

Title: _____

EXHIBIT B

5.2 The Town may also terminate this Agreement if funds are not appropriated or otherwise made available to support continuation of this Agreement in subsequent fiscal years. In such event, the Town shall deliver a written notice to the Consultant that this Agreement is terminated effective the last day of the then current fiscal year due to the lack of appropriated funds, and the Town will pay the Consultant only through the end of the then current fiscal year at the existing rates in this Agreement.

6. Should any part of this Agreement be rendered void, invalid, or unenforceable by any court of law, such a determination shall not render void, invalid, or unenforceable any other part of this Agreement.
7. This Agreement has been made and entered into in the State of South Carolina, and the laws of South Carolina shall govern the validity and interpretation of this Agreement in the performance due hereunder.
8. This Agreement may not be modified unless such modification is in writing and signed by both parties.
9. The Consultant may not assign this Agreement without the prior written approval of the Town.
10. The Consultant shall defend, indemnify, and hold harmless the Town, its officers, directors, agents, and employees from and against any and all actions, costs, claims, losses, expenses, and/or damages, including attorney's fees, whether incurred prior to the institution of litigation, during litigation, or on appeal arising out of or resulting from the conduct of any activity hereby authorized or the performance of any requirement imposed pursuant by this Agreement, however caused or occasioned, unless caused by the willful misconduct or gross negligence of the Town.
11. The parties hereto intend that no master/servant, employer/employee, or principal/agent relationship will be created by this Agreement. Nothing contained herein creates any relationship between the Town and the Consultant other than that which is expressly stated herein. The Town is interested only in the results to be achieved under this Agreement, and the conduct and control of the agents and employees of the Consultant and the methods utilized by the Consultant in fulfilling its obligations hereunder shall lie solely and exclusively with the Consultant and its agents and employees shall not be considered agents or employees of the Town for any purpose. No person employed by the Consultant shall have any benefits, status, or right of employment with the Town.
12. The Consultant, by signing this Agreement, hereby certifies that Consultant shall comply with all applicable requirements of the South Carolina Illegal Immigration Reform Act, S.C. Code Ann. §41-8-10 (2007) et seq., (the "Act"), and that Consultant covenants and agrees as follows:

12.1. Consultant shall not knowingly or intentionally employ any unauthorized alien and, unless excluded from coverage of the "Act", shall verify the work authorization of newly hired employees performing work under the Agreement by registering and participating in the Federal Work Authorization Program (E-verify) and verifying the work authorization of every new hired employee within three (3) business days after employing employee.

EXHIBIT B

12.2. Consultant agrees to provide to the Town all documentation requested by it to establish either:

- (a) the applicability of the South Carolina Illegal Immigration Reform Act to Consultant; or
- (b) compliance with the South Carolina Illegal Immigration Reform Act by Consultant.

12.3. Consultant agrees to include in any contracts with its sub-consultants language requiring its sub-consultants to:

- (a) comply with the applicable requirements of Title 8, Chapter 14 of the South Carolina Code of Laws; and
- (b) include in their contracts with the sub-subconsultants language requiring the sub-subconsultants to comply with the applicable requirements of Title 8, Chapter 14 of the South Carolina Code of Laws.

12.4. Consultant acknowledges and agrees that it shall comply with requirements of the Immigration Reform and Control Act of 1986 including the non-discrimination provisions thereof, and shall complete all required I-9 documentation for all workers employed by it.

12.5. Consultant certifies it shall comply with all state, federal, and local laws, rules, regulations and orders applicable to it in performance of work under the contract.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures hereto the date first written hereinabove.

WITNESSES:

<< CONSULTANT'S FULL NAME >>

By: _____

Its: _____

WITNESSES:

TOWN OF HILTON HEAD ISLAND

By: _____

Marc Orlando
Its: Town Manager

EXHIBIT C

**CONSULTANT AFFIDAVIT
SOUTH CAROLINA ILLEGAL IMMIGRATION REFORM ACT**

In accordance with the requirements of the South Carolina Illegal Immigration Reform Act, _____ ("Consultant") hereby certifies that it is currently in compliance with the requirements of Title 8, Chapter 14 of the South Carolina Code Annotated and will remain in compliance with such requirements throughout the term of its contract with the Town of Hilton Head Island, South Carolina

The Consultant hereby acknowledges that in order to comply with requirements of S. C. Code Annotated Section 8-14-20(B), it will register and participate in the federal work authorization program (E-verify) to verify the employment authorization of all new employees; and require agreement from its subconsultants, and through the subconsultants, the sub-subconsultants, to register and participate in the federal verification employment authorization of all new employees.

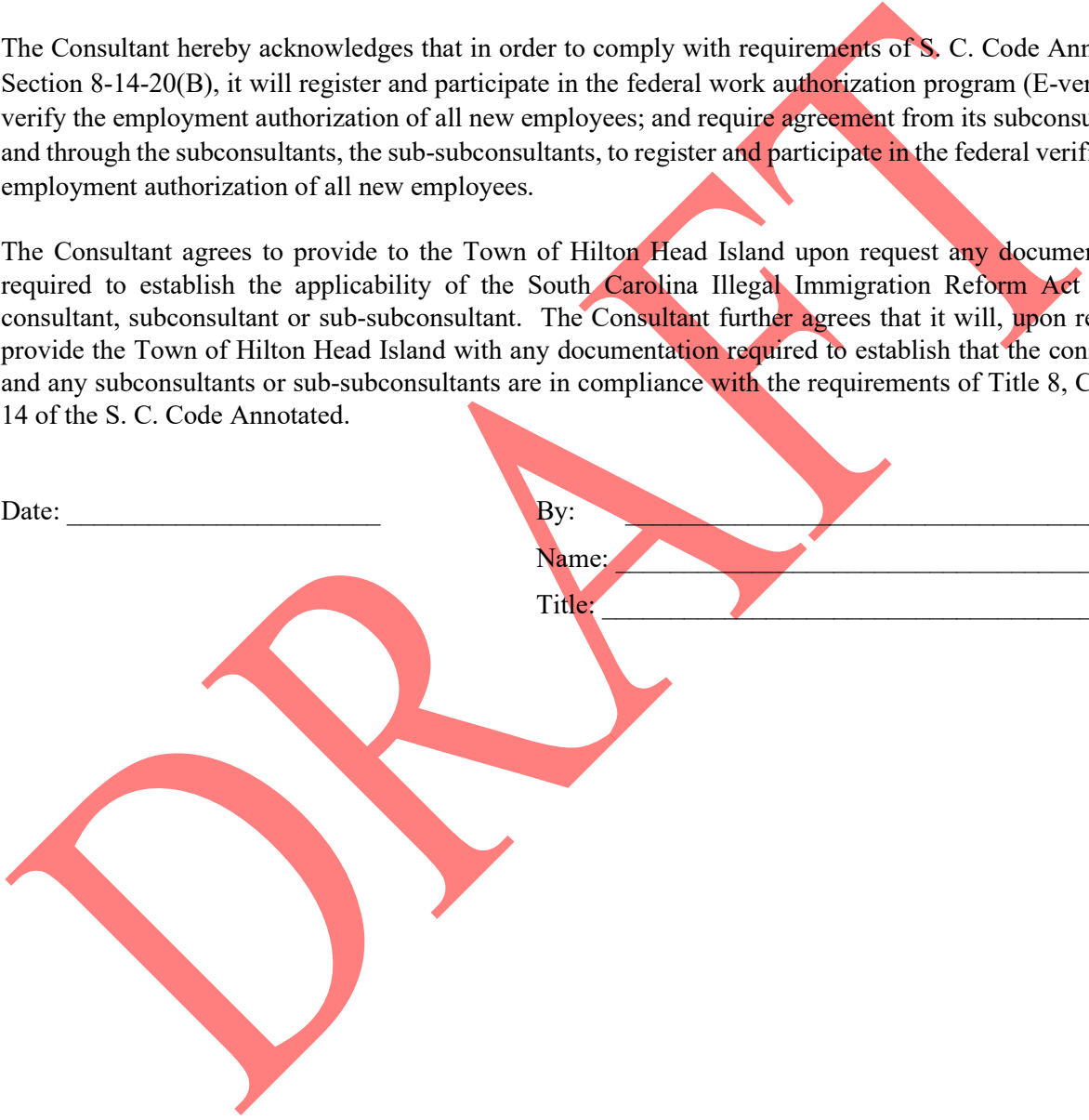
The Consultant agrees to provide to the Town of Hilton Head Island upon request any documentation required to establish the applicability of the South Carolina Illegal Immigration Reform Act to the consultant, subconsultant or sub-subconsultant. The Consultant further agrees that it will, upon request, provide the Town of Hilton Head Island with any documentation required to establish that the consultant and any subconsultants or sub-subconsultants are in compliance with the requirements of Title 8, Chapter 14 of the S. C. Code Annotated.

Date: _____

By: _____

Name: _____

Title: _____



Construction

By signing its bid or proposal, Consultant certifies that it will comply with the applicable requirements of Title 8, Chapter 14 of the South Carolina Code of Laws and agrees to provide to the Town of Hilton Head Island upon request any documentation required to establish either: (a) that Title 8, Chapter 14 is inapplicable both to Consultant and its subconsultants or sub-subconsultants; or (b) that Consultant and its subconsultants or sub-subconsultants are in compliance with Title 8, Chapter 14. Pursuant to Section 8-14-60, "A person who knowingly makes or files any false, fictitious, or fraudulent document, statement, or report pursuant to this chapter is guilty of a felony, and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both." Consultant agrees to include in any contracts with its subconsultants language requiring its subconsultants to (a) comply with the applicable requirements of Title 8, Chapter 14, and (b) include in their contracts with the sub-subconsultants language requiring the sub-subconsultants to comply with the applicable requirements of Title 8, Chapter 14.

Non-Construction

By signing your offer, you certify that you will comply with the applicable requirements of Title 8, Chapter 14 of the South Carolina Code of Laws and agree to provide to the Town of Hilton Head Island upon request any documentation required to establish either: (a) that Title 8, Chapter 14 is inapplicable to you and your subconsultants or sub-subconsultants; or (b) that you and your subconsultants or sub-subconsultants are in compliance with Title 8, Chapter 14. Pursuant to Section 8-14-60, "A person who knowingly makes or files any false, fictitious, or fraudulent document, statement, or report pursuant to this chapter is guilty of a felony, and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both." You agree to include in any contracts with your subconsultants language requiring your subconsultants to (a) comply with the applicable requirements of Title 8, Chapter 14, and (b) include in their contracts with the sub-subconsultants language requiring the sub-subconsultants to comply with the applicable requirements of Title 8, Chapter 14.

EXHIBIT D

TOWN OF HILTON HEAD ISLAND
RFQ 2023-##

QUESTIONNAIRE - INDEPENDENT REVIEW OF THE WILLIAM HILTON PARKWAY GATEWAY
CORRIDOR

INSTRUCTIONS FOR COMPLETION OF THE QUESTIONNAIRE

Please read the enclosed Questionnaire carefully. "The firm" referred to in this Questionnaire is the business entity offering qualifications for the referenced project for the Town. DO NOT leave any questions unanswered, nor OMIT any required signatures. All questions must be answered. If there is truly a question that does not apply, please enter "Not Applicable" or "N/A".

In the event additional space is required to complete an answer, you may supplement with additional pages that shall be securely attached to this Questionnaire. If information is provided on other typed or preprinted sheets, they must include all the requested information, be properly referenced, and securely attached to this Questionnaire. Said supplements or attachments shall be considered a part of this Affidavit and its oath.

Begin Questionnaire below

NOTE: In order for the response to be considered, it is necessary for an authorized individual of the firm, and on behalf of the firm, to furnish the information requested below.

Date Prepared: _____

Submitted To: Town of Hilton Head Island. ATTN: Engineering Division, One Town Center Court, Hilton Head Island, SC 29928.

Submitted By: _____

(Complete Firm Name: Must be the same as on Submittal Transmittal Page)

(Complete Street Address and Suite Number, if applicable)

(P. O. Box Number, if applicable) (Zip Code for P. O. Box Number)

(City) (County) (State) (Zip Code for Street Address)

Telephone Number: (_____) _____

Fax Number: (_____) _____

Federal Employer Identification Number: _____

13. Indicate below the experience of key individuals and technical support presently employed by the firm who will work on Town projects. Please attach resumes and an organizational chart.

Individual's Name	License or Cert.	Present Position	Years Employed By The Firm	Years of Experience	In What Capacity

14. Provide a summary of technical capabilities and experience related to the anticipated services and tasks bulleted in the RFQ (add space if necessary):

- Sea
- Flood

DRAFT

DRAFT

15. List recently completed, similar projects/contracts preferably relating to major roadway/parkway corridor analysis and design (add space if necessary):

Contract Amount	Project Name and Type of Work	Date Completed	Reference Name, Address, & Phone Number
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

16. Identify any unique qualifications, abilities, tools, equipment, software, or methodologies used by the firm.

17. The individuals listed below are authorized to approve, sign and/or execute on the firm's behalf, the following documents:

- Document Code Nos.: 1 - Organization's Statement of Experience and Equipment.
- 2 - Proposals and Contracts
- 3 - Change Order(s)/Supplemental Agreement(s)

NAME	TITLE	DOCUMENT CODE NO.

It is the sole responsibility of the submitting firm to notify the Town of any changes to this list, post preparation date. Notification shall be by certified original documents.

18. Has the firm, its parent or subsidiary ever been suspended, disqualified, or debarred by any Municipality, State or the Federal Government? _____ If yes, provide complete details, including when, where and why.

DRAFT

19. Has any owner, stockholder, officer, partner, or employee(s) of the firm been suspended, disqualified, or debarred from doing business by South Carolina, any other State or the Federal Government? _____ If yes, provide complete details, including when, where and why.

20. Have you or any of the individuals or entities referred to above, in the past six years, been indicted, pled guilty, pled *nolo contendere*, or been convicted of embezzlement, theft, forgery, bribery, receiving stolen property, or any other offense indicating a lack of business integrity, or business honesty which seriously and directly affects the question of present responsibility as a consultant in any jurisdiction in the United States? _____ If yes, give complete details.

DRAFT

21. Has the firm, its subsidiaries, affiliates or parent companies ever defaulted on a contract with any Local, State or Federal Government?_____ If yes, give complete details.

22. List the firm's subsidiaries, affiliates and parent companies.

23. Is the firm herein offering the submittal, including owners, corporate officers or stockholders, either collectively or individually, currently suspended, disqualified or debarred from doing business with any Local, State or with the Federal Government? If so, list the agency and circumstance.

AFFIDAVIT

_____ BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE IS AUTHORIZED TO EXECUTE THIS AFFIDAVIT FOR AND ON BEHALF OF THE APPLICANT FIRM, AND THE ANSWERS TO THE FOREGOING QUESTIONS AND ALL STATEMENTS HEREIN CONTAINED ARE TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE.

Sworn and subscribed to before
this _____ day of _____

_____ me on
(Name of Applicant Firm)

(Authorized Signature)

(Notary Public)
(Not an Officer of the firm)

(Print or Type Name)

(Title)

AFFIX
CORPO
RATE
SEAL
HERE

NOTICE: THE TOWN MUST BE NOTIFIED OF ANY SIGNIFICANT CHANGE IN THE INFORMATION FURNISHED IN THIS QUESTIONNAIRE WITHIN FIFTEEN (15) DAYS OF THE OCCURRENCE OF SUCH CHANGE.

DRAFT

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

RESOLUTION NO. _____

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, AUTHORIZING THE CREATION AND APPOINTMENT OF A WILLIAM HILTON PARKWAY GATEWAY CORRIDOR INDEPENDENT REVIEW ADVISORY COMMITTEE.

WHEREAS, the William Hilton Parkway Gateway Corridor Project (the “Project”) will provide for safer public transportation from and to the Town of Hilton Head Island, South Carolina (the “Town”); and

WHEREAS, a part of the Project will be located in the municipal limits of the Town, and it is anticipated that the Project will have a substantial impact on the citizens and visitors of and to the Town; and

WHEREAS, the South Carolina Department of Transportation (“SCDOT”) engaged a design consultant for the Project, and,

WHEREAS, and at the request of the Town, the Beaufort County, South Carolina (the “County”) hired a design engineer, HDR, to perform an Independent Review of the project; and,

WHEREAS, in addition to the County’s Independent Review, the Town hired a land planning consultant, MKSK, to assist the Town Council with evaluating the design and to provide recommendations to enhance the Project; and

WHEREAS, as part of the Environmental Assessment process a preferred alternative for the Project was identified by SCDOT and presented at a public hearing held on July 22, 2021; and

WHEREAS, based upon comments received from the public and from the Town, the Project plans were updated, and a Modified Preferred Alternative was presented at a public information meeting held on March 3, 2022; and

WHEREAS, the County and the Town determined that an Independent Review of the Project and the Modified Preferred Alternative (the “Independent Review”) must be performed by a consultant; and

WHEREAS, the County issued a Request for Qualifications (the “County RFQ”) for an independent consultant (the “Independent Consultant”), meaning one that does not have a previous or current contractual relationship with SCDOT, the County, or the Town, to perform an additional Independent Review of the Project; and

WHEREAS, the County received only one response to the County RFQ for the Independent Consultant work; and

WHEREAS, the Town has determined that it will issue its own RFQ (the “Town RFQ”) seeking submittals for qualified firms to conduct an end-to-end simulation and study of the Project including areas through and beyond the Project limits, including additional intersections consistent with the Scope of Work included in the Town RFQ; and

WHEREAS, to assist in reviewing and vetting responses to the Town RFQ, as well as guide work to complete the Independent Review described in the Scope of Work set out in the Town RFQ, Town Council now desires to create and appoint the William Hilton Parkway Gateway Corridor Independent Review Advisory Committee.

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

1. The William Hilton Parkway Gateway Corridor Independent Review Advisory Committee is hereby created, and its membership shall consist of the following: one (1) member of Town Council, one (1) current or former licensed professional engineer in the field of civil engineering, one citizen member from the Stoney Community, and two (2) citizen members from the community, to be appointed by Town Council.
2. The William Hilton Parkway Gateway Corridor Independent Review Advisory Committee, in coordination with a technical review team designated by the Town Manager, shall review and assess all statements of qualifications received in response to the Town RFQ and identify a reasonable number of firms to identify as “Preferred Consultants.”
3. Furthermore, any firm selected as a Preferred Consultant shall be required to submit a full and detailed proposal. The William Hilton Parkway Gateway Corridor Independent Review Advisory Committee, in coordination with a technical review team designated by the Town Manager, shall review these proposals and will thereafter recommend to Town Council which “Preferred Consultant with which to pursue a contract for the work.
4. The following individuals are hereby appointed to the Committee:
 - a. Member of Town Council: _____
 - b. Engineer: _____

c. Stoney Citizen Member: _____

d. Community Member: _____

e. Community Member: _____

**MOVED, APPROVED, AND ADOPTED ON THIS _____ DAY OF
_____, 2023.**

Alan R. Perry, Mayor

ATTEST:

Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____