



Town of Hilton Head Island  
**TOWN COUNCIL MEETING**  
1 Town Center Court, Hilton Head Island, SC  
Benjamin M. Racusin Council Chambers  
**Tuesday, June 20, 2023, 3:00 PM**

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The meeting can be viewed on the [Town's YouTube Channel](#), the [Beaufort County Channel](#), and Spectrum Channel 1304.

1. **Call to Order**
2. **FOIA Compliance:** Public notification of this workshop has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
3. **Pledge to the Flag**
4. **Invocation – Reverend Therese Donlan Lee – Unity of Hilton Head**
5. **Civility Pledge**
6. **Adoption of the Agenda**
7. **Approval of the Minutes**
  - a. Special Meeting Minutes of May 23, 2023
  - b. Ad Hoc Committee Meeting Minutes of May 30, 2023
8. **Report of the Town Manager**
  - a. Items of Interest
  - b. Planning Commission Biannual Update – Mark O’Neil, Vice Chairman
  - c. Parks & Recreation Commission Biannual Update – Ray Kisiah, Chairman
  - d. Workforce Housing Program Monthly Update – Missy Luick, Assistant Community Development Director
  - e. Capital Improvement Program Quarterly Update – Jennifer Ray, Capital Program Manager
  - f. Office of Cultural Affairs Quarterly Update – Natalie Harvey, Director of Cultural Affairs
  - g. Town of Hilton Head Island 360/40 Celebration Update – Angie Stone, Assistant Town Manager
9. **Reports from 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

**10. Appearance by Citizens:** Citizens who wish to address the Town Council on the matters being discussed during the meeting may do so by submitting the [Request to Speak form](#) or by calling the Town Clerk at 843-341-4701 no later than 12:00 PM the day of the meeting. Written comments concerning items on the agenda may be submitted at the [Open Town Hall Portal](#).

## **11. Unfinished Business**

- a. Second and Final Reading of Proposed Ordinance 2023 – 14 to Amend the Franchise Agreement between the Town of Hilton Head Island and Shore Beach Services, Inc. Concerning the Allocation of Lifeguard Personnel – Josh Gruber, Deputy Town Manager
- b. Consideration of a Resolution Authorizing an Amendment to the Agreement to Sell and Purchase Real Property with Beaufort County for the Exchange of Barker Field, the Old School House Property, the Cross Island Boat Landing, and a One Acre Parcel Located on Jenkins Road – Josh Gruber, Deputy Town Manager

## **12. Executive Session**

- a. Discussion of Personnel Matters (Pursuant to the South Carolina Freedom of Information Act Section 30-4-70[a][1]) related to:
  - 1. Town Council Appointments to Town Boards, Commissions, and Committees:
    - i. Accommodation Tax Advisory Committee
    - ii. Board of Zoning Appeals
    - iii. Construction Board of Adjustments and Appeals
    - iv. Design Review Board
    - v. Gullah Geechee Land and Cultural Preservation Task Force
    - vi. Housing Action Committee
    - vii. Parks & Recreation Commission
    - viii. Planning Commission
- b. Discussion of Negotiations Incident to Proposed Contractual Arrangements and Discussions for the Proposed Sale or Purchase of Property (Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 [a][2]) related to:

1. Main Street Area
2. Palmetto Bay Road Area
3. Marshland Road Area
4. Pope Avenue Area
5. Union Cemetery Road

- c. Discussion Incident to Proposed Contractual Arrangements with the Island Recreation Association (Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 [a][2])
- d. Discussion and Status Update on the Negotiations Incident to Proposed Contractual Arrangements for the Northpoint Public-Private Partnership Workforce Housing Project (Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 [a][2])
- e. Discussion of Employment, Appointment, Compensation, Promotion, Demotion, Discipline or Release of an Employee, or a Person Regulated by a Public Body (Pursuant to the South Carolina Freedom of Information Act Section 30-4-70[a][1], [2]) related to:
  1. Town Attorney Contract

### **13. Action from Executive Session**

### **14. Adjournment**



Town of Hilton Head Island  
TOWN COUNCIL  
SPECIAL MEETING  
Thursday, May 23, 2023, 1:00 p.m.  
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:** None

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**1. Call to Order**

**2. FOIA Compliance**

Mr. Stanford affirmed compliance with FOIA.

**3. Roll Call**

Attendance was confirmed by way of roll call.

**4. Executive Session**

**a. Personnel Matters:** Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, or a person regulated by a public body [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(1), (2)] Related to:

i. Town Attorney Contract

Mr. Ames moved to go into Executive Session for the reasons stated above. Mr. Alfred seconded. Motion carried 7-0.

**5. Possible Action by the Town Council Ad Hoc Committee Concerning Matters Discussed in Executive Session**

Upon return from Executive Session Mr. Ames there was no action to be taken as a result of Executive Session.

**6. Adjournment**

The meeting was adjourned at 2:23 p.m.

**Approved:**

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Kimberly Gammon, Town Clerk

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Alan R. Perry, Mayor



Town of Hilton Head Island  
TOWN COUNCIL Adhoc  
Committee Meeting  
Tuesday, May 30, 2023, 3:00 p.m.  
MINUTES

**Present from Town Council:** Glenn Stanford, Patsy Brison, Steve Alfred, *Town Council Members*

**Present from Town Staff:** None

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**1. Call to Order**

**2. FOIA Compliance**

Mr. Stanford affirmed compliance with FOIA.

**3. Adoption of the Agenda**

Without objection, the agenda was adopted.

**4. Executive Session**

**a. Personnel Matters:** Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, or a person regulated by a public body [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(1), (2)] Related to:

i. Town Attorney Contract

Mr. Stanford moved to go into Executive Session for the reasons stated above. With no objection, the Adhoc Committee entered into executive session.

**5. Possible Action by the Town Council Ad Hoc Committee Concerning Matters Discussed in Executive Session**

Upon return from Executive Session Mr. Stanford there was no action to be taken as a result of Executive Session.

**6. Adjournment**

The meeting was adjourned at 4:00 p.m.

**Approved:**

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Kimberly Gammon, Town Clerk

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Alan R. Perry, Mayor



# TOWN OF HILTON HEAD ISLAND

## *Town Council*

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**TO:** Mayor Alan R. Perry & Town Council  
**FROM:** Joshua Gruber, *Deputy Town Manager*  
**CC:** Marc Orlando, *Town Manager*  
**DATE:** June 6, 2023  
**SUBJECT:** Second Reading of Proposed Ordinance 2023-14 to Amend the Franchise Agreement Between the Town and Shore Beach Services, Inc.

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### **RECOMMENDATION:**

Town staff supports the request from Shore Beach Services, Inc. (“SBS”) to amend language within their Franchise Agreement to clearly reflect the separate roles and responsibilities of the Shore Beach Services staff. Accordingly, it is recommended that Town Council approve second reading of Proposed Ordinance 2023-14.

On May 16, 2023, Town Council voted unanimously to approve first reading of Proposed Ordinance 2023-14.

### **BACKGROUND:**

Shore Beach Services provides lifeguard and beach rental equipment services to the Town under a Franchise Agreement dated May 24, 2019. On March 28, 2023, Shore Beach Services submitted a letter to the Town’s Legal Department requesting a modification to the Franchise Agreement (refer to the attachment). In summary, Shore Beach Services seeks to amend the Franchise Agreement by (1) replacing the term “Rental Lifeguard” with “Rental Attendant,” and (2) defining the responsibilities of Rental Attendants in offering supplementary support for beach patrol and emergency services.

### **SUMMARY:**

With the proposed amendment to the Franchise Agreement, Rental Attendants would not have a primary obligation of beach monitoring as lifeguards. However, all Rental Attendants currently possess and will maintain lifeguard certification, enabling them to provide assistance to on-duty lifeguards when necessary. On April 10, 2023, the Community Services and Public Safety Committee voted unanimously to approve the requested amendments to the Franchise Agreement.

### **ATTACHMENTS:**

1. Proposed Ordinance No. 2023-14

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

**ORDINANCE NO. 2023-**

**PROPOSED ORDINANCE NO. 2023- 14**

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND SECTION 10-5-50 ENTITLED *COMMERCIAL ACTIVITIES FRANCHISE GRANTED TO SHORE BEACH SERVICES, INC.* OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE TOWN MANAGER TO MODIFY THE FRANCHISE AGREEMENT BETWEEN THE TOWN OF HILTON HEAD ISLAND AND SHORE BEACH SERVICES, INC.**

**WHEREAS**, Section 5-7-30 of the Code of Laws of South Carolina 1976 (Annotated), as amended, provides that the municipal government within the State of South Carolina may “grant franchises for the use of public streets and make charges for them”; and

**WHEREAS**, the Town Council of the Town of Hilton Head Island did previously adopt Section 10-5-50 of the Municipal Code of the Town of Hilton Head Island on November 15, 1994, granted Shore Beach Services, Inc. a non-exclusive franchise for the purpose of conducting certain commercial activities within specified public beach areas on Hilton Head Island (“Franchise Agreement”); and

**WHEREAS**, on May 21, 2019, the Town Council of the Town of Hilton Head Island adopted Ordinance No. 2019-12, effectively renewing the Franchise Agreement for an additional five year period; and

**WHEREAS**, on March 28, 2023, Shore Beach Services, Inc. requested certain modifications to the Franchise Agreement in order to clarify the roles and responsibilities pertaining to “Rental Lifeguards” and “Rental Attendants”; and

**WHEREAS**, on April 17, 2023, the Town of Hilton Head Island Community Services and Public Safety Committee unanimously voted to recommend approval of the modifications and forward said request to Town Council for review; and

**WHEREAS**, the Town Council now desires to amend Section 10-5-50 related to commercial activities franchise granted to Shore Beach Services, Inc. of the Municipal Code of the Town of Hilton Head Island by authorizing the Town Manager to modify the Franchise Agreement as set forth in Exhibit A; and

**WHEREAS**, the Town Council has the authority to amend its Code of Ordinances when deemed to be in the best interest of the citizens of the Town, and now desires to do act with respect to the subjects referenced above by enacting the amendments set forth below.

**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:**

**Section 1. Amendment.** Section 10-5-50 of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby amended as follows:

“Section 10-5-50. Commercial activities franchise granted to Shore Beach Services, Inc.

A non-exclusive franchise is granted to Shore Beach Services, Inc. to conduct, within specified public beach areas, certain commercial activities pursuant to the terms and conditions of the attached franchise agreement, as amended, which is attached hereto and made a part hereof, is hereby renewed.

**Section 2. Amendments.** Any amendments to the Franchise Agreement shall clearly denote new language and deleted language. New language shall be shown as bold and double underlined. Deleted language shall be shown with a strikethrough.

**Section 3. Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by a 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.

**THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING. SIGNED, SEALED AND DELIVERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

By: \_\_\_\_\_  
Alan R. Perry, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Kimberly Gammon, Town Clerk

First Reading: \_\_\_\_\_, 2023

Second Reading: \_\_\_\_\_, 2023

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Curtis L. Coltrane, Town Attorney

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



## EXHIBIT A

The amendment to the Services Agreement, specifically Section III of Exhibit 1, which is incorporated as Exhibit B in the Franchise Agreement, is hereby authorized to be modified as follows:

### **III. NON-BILLABLE BEACH PATROL SERVICES**

Contractor will provide the following Beach Patrol Services, which may vary due to weather conditions, at no cost to the Town:

A. **Lifeguard Personnel Duties & Assignment** - Contractor is responsible for deploying lifeguard personnel throughout the areas of operations. Lifeguard personnel shall consist of highchair lifeguards and rental lifeguards attendants.

1. **Highchair Lifeguards.** The primary duty of highchair lifeguards is water surveillance, therefore, they shall not conduct commercial activities. It is mandatory that the highchair lifeguard's attention be focused on this duty; therefore, highchair lifeguards shall not:
  - (a) Sit or lean on anything other than their stands;
  - (b) Conduct lengthy conversations with persons in a manner or in such a fashion as to impair the performance of safety duties;
  - (c) Permit persons at the stand other than agents of the Town, Beach Patrol personnel employed by the Contractor, persons seeking first aid, and persons transacting equipment rental business;
  - (d) Read while on duty;
  - (e) Turn his/her back on the ocean or permit others to stand so that his/her view of the ocean is obstructed;
  - (f) Allow the immediate stand area to be littered at any time while on duty.
  
2. **Rental Lifeguards Attendants.** The primary duty of rental lifeguards attendants is conducting commercial activities, however, when not so doing they shall be responsible for assisting in water surveillance aware of the needs of beachgoers and available to assist other beach patrol personnel with their duties. Furthermore, in the event of an emergency in their area rental lifeguards attendants shall cease conducting commercial activities and respond to said emergency. It is mandatory that the rental lifeguard's attendant's attention be focused on these duties; therefore, rental lifeguards attendants shall not:



# TOWN OF HILTON HEAD ISLAND

## *Town Council*

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**TO:** Mayor Alan R. Perry & Town Council  
**FROM:** Joshua Gruber, *Deputy Town Manager*  
**CC:** Marc Orlando, *Town Manager*  
**DATE:** June 6, 2023  
**SUBJECT:** Consideration of a Resolution Authorizing an Amendment to the Agreement to Sell and Purchase Real Property with Beaufort County for the Exchange of Barker Field, the Old School House Property, the Cross Island Boat Landing, and a One Acre Parcel Located on Jenkins Road

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### **RECOMMENDATION:**

In order to facilitate the transfer of lands between Beaufort County and the Town of Hilton Head Island, staff recommends that Town Council approve the attached Resolution amending its prior Agreement with Beaufort County to remove "Parcel F" which was incorrectly identified as being a portion of TMS No. R552 010 000 0309 0000.

### **BACKGROUND:**

On September 20, 2022, Hilton Head Island Town Council voted to authorize the Town Manager to enter into an Agreement with Beaufort County to exchange real property. Under this Agreement, Beaufort County would have transferred the parcels identified as Barker Field and the Old School House properties to the Town in exchange for the Town transferring its ownership in the Cross Island Boat Landing and a one-acre parcel of land at the end of Jenkins Road to Beaufort County. As part of this transfer, the Town would transfer a portion of a parcel identified TMS No. R552 010 000 0309 0000 and that was shown in Geographic Information System (GIS) records as being immediately adjacent to the Cross Island Boat landing. A graphic depiction of this area is attached to this Memorandum.

As part of the required due diligence to facilitate this exchange, Beaufort County was required to survey this portion of TMS No. R552 010 000 0309 0000 and it was to have this part of the property subdivided from the remaining parcel that would continue to be owned by the Town. The survey of this property has determined that this portion of TMS No. R552 010 000 0309 0000 does not exist as indicated on the GIS records. As such, the Town's transfer of the Cross Island Boat Landing property identified as "Parcel E" in the attachment will be sufficient to meet the County's requirements. The prior Agreement is therefore being amended to reflect that the portion of TMS No. R552 010 000 0309 0000 that was previously identified will not be included within the land transfer.

**CONCLUSION:**

Because the mutual transfer of properties by and between the Town and the County will serve to satisfy each other's interests, staff recommends that Town Council authorize and amendment to its prior Agreement with Beaufort County to remove the conveyance of "Parcel F" and that the Town Manager be authorized to take such additional actions as may be necessary to carry out the approved property transfers.

**ATTACHMENTS:**

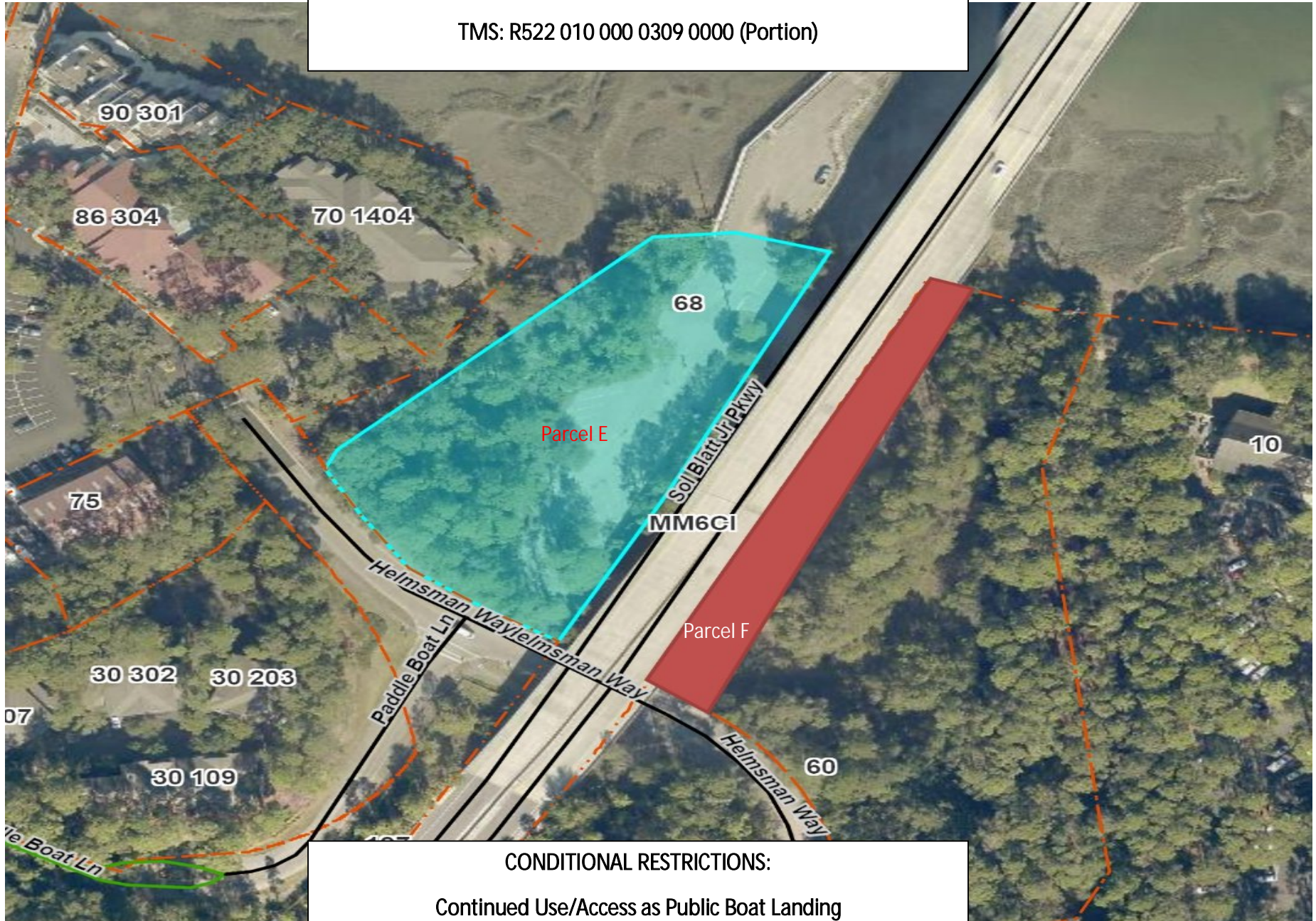
1. Resolution No. 2023-
2. Town – County Land Swap Graphic (Parcel F)

TOWN TO BEAUFORT COUNTY

CROSS ISLAND BOAT LANDING

TMS: R522 010 000 0650 0000 (1.52 Acres)

TMS: R522 010 000 0309 0000 (Portion)



CONDITIONAL RESTRICTIONS:

Continued Use/Access as Public Boat Landing

Town Input into Ferry Terminal Design