

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

Date: Tuesday, December 15, 2015

Time: 4:00 P.M.

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

Present from Town Staff: Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects & Facilities/Chief Engineer*; Brad Tadlock, *Fire Chief*; Brian Hulbert, *Staff Attorney*; Susan Simmons, *Director of Finance*; John Troyer, *Deputy Finance Director*; Cindaia Ervin, *Finance Assistant*; Erica Madhere, *Finance Administrator*; John Valvo, *Systems Analyst*; Vicki Pfannenschmidt, *Executive Assistant/Town Clerk*

Present from Media: None

1) CALL TO ORDER

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

2) PLEDGE TO THE FLAG

3) INVOCATION

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

5) Proclamations and Commendations

None.

6) Approval of Minutes

a. Town Council Meeting, December 1, 2015

Mr. Harkins moved to approve. Mr. McCann seconded. The minutes of the December 1, 2015 regular Town Council meeting were unanimously approved by a vote of 7-0.

7) Report of the Town Manager

a. Town Manager's Items of Interest

Mr. Riley reported on the items of interest listed below.

- (1) Town News
- (2) Noteworthy Events

8) Reports from Members of Council

a. General Reports from Council

Mr. Harkins referenced a meeting regarding the Hilton Head Plantation beach erosion problem in the Pine Island area. He said Hilton Head Plantation asked for assistance and the Mayor advised that before a solution is developed for one particular

neighborhood, Council should think about developing a clear understanding of what the current or future Island-wide erosion issues may be throughout the entire Island and toggle together a policy that could make sense and treat all issues in fairness. Mr. Harkins added that staff members from ATM Engineering were present at the meeting and he asked them to pull together an outline that would speak to a review process that could be helpful to Hilton Head Plantation and likewise for the Town. He requested that the item be placed on a future Town Council agenda.

Mayor Bennett stated he has been contacted by a number of individuals and a couple organizations in the Forest Beach area asking for help regarding safety and crime in the area. He stated he obtained a Call for Service Log from the Beaufort County Sheriff's Office from one of the communities in the area for the time period of January 1, 2015 through December 1, 2015 and referenced the list. He asked that the Public Safety Committee look into the matter and bring back a report to Council with initial findings within 60 days. Mr. Lennox concurred that the problem is growing and the specific issues need to be determined and agreed that assignment to the Public Safety Committee for further investigation made sense. Mr. Grant stated he would be happy to work on it.

b. Report of the Intergovernmental Relations Committee – Bill Harkins, Chairman

No report.

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

No report.

d. Report of the Public Planning Committee – Tom Lennox, Chairman

Mr. Lennox stated the Committee is moving toward soliciting a short-term consulting agreement with someone to come in and evaluate the data that has been assembled to date and expects something to be done within the next 75 days and hopes to bring it to Council at that time.

e. Report of the Public Facilities Committee – Lee Edwards, Chairman

Mr. Edwards explained he could not be at the meeting earlier in the day and Mrs. Likins would conduct the report. Mrs. Likins stated the Committee met and received a presentation on the design for the Island Recreation facility expansion.

f. Report of the Public Safety Committee - Marc Grant, Chairman

Mr. Grant reported the Committee met on December 7 and heard concerns regarding speed limits on Marshland and Spanish Wells Road. He reported that Mr. Shoemaker emailed the SCDOT and they will undertake a traffic study for Spanish Wells Road. He said they have not heard about Marshland Road yet. Mr. Grant said the Committee also discussed the 2015 bicycle collision statistics and possible solutions along with review of the Beaufort County Animal Control ordinance and the Committee voted to move it forward to Council for review and consideration of adoption at the January 5 Town Council meeting.

g. Report of the Finance and Administrative Committee - John McCann, Chairman

No report.

h. Report of the Circle to Circle Committee - Tom Lennox, Town Council Liaison

Mr. Lennox reported there was a special meeting of the Committee held on December 14 to conduct interviews for the Urban Design Planners for the Circle to Circle work.

9) Appearance by Citizens

Mr. Skip Hoagland addressed Council with multiple comments.

Upon completion of Mr. Hoagland's comments, Mayor Bennett noted that his understanding of Town Code is that only citizens of Hilton Head Island can approach and discuss a matter with Council and since Mr. Hoagland is not a citizen of the Island, and until such time that a majority of Council overturns his decision, Mr. Hoagland will not be invited or allowed back to speak before Council.

Mr. Jack Daly offered his assistance to the Public Safety Committee regarding the safety review in the South Forest Beach area.

10) Unfinished Business

a. Second Reading of Proposed Ordinance 2015- 25

Second Reading of Proposed Ordinance 2015-25 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2015; to provide for the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

b. Second Reading of Proposed Ordinance 2015- 26

Second Reading of Proposed Ordinance 2015-26 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2016; to provide for the budgeted appropriations of prior year encumbrances and for the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

c. Second Reading of Proposed Ordinance 2015-27

Second Reading of Proposed Ordinance 2015-27 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2016; to provide for the budgeted appropriations of prior year budget roll-forwards and the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

d. Second Reading of Proposed Ordinance 2015-28

Second Reading of Proposed Ordinance 2015-28 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2016; to provide

for the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

11) New Business

a. Consideration of a Resolution – Beach Renourishment Bonds

Consideration of a Resolution relating to the declaration of intent by the Town Council of the Town of Hilton Head Island, South Carolina, to reimburse certain expenditures prior to the issuance by the Town of its tax-exempt debt.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

b. Consideration of a Proposed Sewer Expansion Program – Years 2-5

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

c. Consideration of Recommendations of the Accommodations Tax Advisory (ATAX) Committee

Mr. McCann moved to approve the recommendations as a package as is. Mr. Lennox seconded. The motion was unanimously approved by a vote of 7-0.

Mayor Bennett thanked Mr. Alsko and members of the Committee for their efforts.

d. Consideration of adoption of the Key 2016 Council Priorities

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

12) Executive Session

Mr. Riley stated an executive session was needed for Land Acquisition; discussion of negotiations incident to the proposed sale, lease or purchase of property: 1) related to a parcel near the corner of US 278 and Wild Horse Road; 2) related to potential acquisition of property in the Sea Pines Circle Area; 3) related to potential land acquisition in the Shelter Cove area; and legal matters: 1) receipt of legal advice related to a pending, threatened, or potential claim and to consider authorizing the indemnity of council members who are required to hire personal counsel to defend a claim or to prevent and stop improper harassment by third parties.

Mr. McCann moved that Council go into Executive Session for the items enumerated on the agenda by Mr. Riley and in addition for discussion of negotiations incident to contractual matters with Beaufort County and Palmetto Hall Plantation related to a proposed Memorandum of Understanding. Mr. Harkins seconded.

Mayor Bennett called the meeting back to order at 6:25 p.m. and stated there was no action taken during executive session and referenced moving on to New Business Item 11.e. below:

11.e. Consideration of Adoption of a Memorandum of Understanding (MOU) with Beaufort County and the Palmetto Hall Plantation Owners' Association associated with trimming and removal of trees necessary to address FAA approach slopes.

Mr. McCann moved to replace Section 3 with new language on Release of Claims and added into the motion and to approve.

Mr. Riley stated alternative language is being inserted into the document that was made public.

He stated that Under Section 3, Subsection E, Item iii. Indemnification is now Item iv. The old Item iv. - Release of Claims has been deleted and is substituted with a new Item iii. Release of Claims which reads as follows:

iii. Release of Claims. Palmetto Hall does hereby, on behalf of itself and its successors and assigns, release and forever discharge the Town and the County, including the Town and the County's successors and assigns, of and from any and all claims, actions, and causes of action which Palmetto Hall ever had or may have, or which its successors or assigns hereafter can, shall or may have against the Town and/or County, for and by any reason of any matter arising from or pertaining to the execution and performance of this Memorandum of Understanding and/or conditions contained herein, as well as related improvements to the airport only as contemplated in Phase I of the 2010 Hilton Head Island Airport Master Plan (Sheet 3 of 14) attached hereto as Exhibit "A", which may not be amended or modified pursuant to that certain Joint Resolution 2010-27, dated October 27, 2010 and attached hereto as Exhibit "B"; provided, further, this Release of Claims does not apply to any intrusion of the Object Free Area (OFA) onto Palmetto Hall property. Palmetto Hall represents and warrants that it has not assigned or transferred any interest in any claim that it may have against the Town and/or County being released under the terms herein, and agrees to indemnify and hold the Town and County harmless from any liabilities, claims, demands, damages, costs, expenses, and attorney fees incurred as a result of any entity or person not a party to this Memorandum of Understanding rightfully claiming the existence of, or rights under, any such assignment or transfer.

Moreover, to the indemnification language is added at the very end after "contained herein":

, including but not limited to installation of landscaping and similar improvements by Palmetto Hall and/or its contractors, subcontractors, employees, and agents.

Mr. Harkins seconded. The motion was unanimously approved by a vote of 7-0.

13) Possible actions by Town Council concerning matters discussed in executive session

- a. Consideration of a resolution authorizing the retention and payment for personal counsel to protect council members through appropriate legal process from improper and/or unlawful harassment by third parties.**

Mrs. Likins informed the Mayor she was going to recuse herself and she left the dais. The required Potential Conflict of Interest form will be attached to the approved, signed minutes.

Mr. Edwards moved to approve. Mr. McCann seconded. The motion was approved by a vote of 6-0. (Mrs. Likins was not at the dais and did not participate in the vote due to her recusal as noted above.)

14) Adjournment

Mayor Bennett adjourned the meeting at 6:30 p.m.

Vicki L. Pfannenschmidt
Executive Assistant/Town Clerk

Approved: 01-05-2016

David Bennett, Mayor