



The Town of Hilton Head Island Regular Town Council Meeting

Tuesday, December 7, 2010

4:00 P.M.

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers
During the Town Council Meeting

- 1) **Call To Order**
- 2) **Pledge To The Flag**
- 3) **Invocation**
- 4) **FOIA Compliance** – Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 5) **Proclamations And Commendations**
- 6) **Approval Of Minutes**
 - a. Regular Town Council Meeting of November 17, 2010
- 7) **Report Of The Town Manager**
 - a. Town Manager's Items of Interest
 - b. League of Women Voters Presentation – Barbara Swift
 - c. Concours d'Elegance Presentation – Carolyn Vanagel
- 8) **Reports From Members Of Council**
 - a. General Reports from Council
 - b. Report of the Intergovernmental Relations Committee – George Williams, Chairman
 - c. Report of the Personnel Committee – Drew Laughlin, Chairman
 - d. Report of the Planning and Development Standards Committee – Bill Ferguson, Chairman
 - e. Report of the Public Facilities Committee – John Safay, Chairman
 - f. Report of the Public Safety Committee – Bill Harkins, Chairman
- 9) **Appearance By Citizens**
- 10) **Unfinished Business**
 - a. **Second Reading of Proposed Ordinance No. 2010-28**

Second Reading of Proposed Ordinance No. 2010-28 authorizing the execution of that certain Utility Easement Agreement with Hilton Head No. 1 Public Service District over property owned by the Town of Hilton Head Island, South Carolina, near the intersection of William Hilton Parkway and Old Wild Horse Road pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2009), and Sec. 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

b. Second Reading of Proposed Ordinance No. 2010- 29

Second Reading of Proposed Ordinance No. 2010- 29 authorizing the execution of that certain Utility Easement agreement with Hilton Head No. 1 Public Service District over portions of property owned by the Town of Hilton Head Island, South Carolina, along William Hilton Parkway and Wild Horse Road pursuant to the authority of S. C. Code Ann. Sec. 5-7-40 (Supp. 2009), and Sec. 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

11) New Business

a. Consideration to Amend the 2010 Art League State Accommodations Tax Grant

Consideration of a recommendation that the Town Council of the Town of Hilton Head Island amend the 2010 Art League State Accommodations Tax Grant to allow use of the \$10,000 grant funds originally designated for promotion of the League's move to the Mall at Shelter Cove be used for promotion of the move to the new location at the Arts Center and extend the grant period from December 31, 2010 to December 31, 2011.

12) Adjournment

13) Reception

THE TOWN OF HILTON HEAD ISLAND
REGULAR TOWN COUNCIL MEETING

Date: Wednesday, November 17, 2010

Time: 4:00 P.M.

Present from Town Council: Thomas D. Peeples, *Mayor*; John Safay, George Williams, Bill Harkins, Drew Laughlin, Bill Ferguson, *Councilmen*.

Absent from Town Council: Ken Heitzke, *Mayor Pro-Tem*,

Present from Town Staff: Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects and Facilities*; Lavar Lucas, *Fire Chief*; Brad Tadlock, *Deputy Fire Chief, Operations*; Ed Boring, *Deputy Fire Chief, Support Services*; Susan Simmons, *Finance Director*; Nancy Gasen, *Director of Human Resources*; Tom Fultz, *Director of Administrative Services*; Jill Foster, *Deputy Director of Community Development*; Julian Walls, *Facilities Manager*; Brian Hulbert, *Staff Attorney*; Sally Krebs, *Natural Resources Administrator*; Sarah Skigen, *Natural Resources Associate*; Nicole Dixon, *Senior Planner*; Paul Rasch, *Emergency Management Coordinator*; Connie Pratt, *Code Enforcement Officer*, Rick Arnold, *Code Enforcement Officer*; Alice Derian, *Contract and Services Administrator*; Rene Phillips, *Website/Court Systems Administrator*; Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Tom Barton, *Island Packet*

1) CALL TO ORDER

2) PLEDGE TO THE FLAG

3) INVOCATION

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

5) PROCLAMATIONS AND COMMENDATIONS

a. Arbor Day

Sally Krebs accepted the Proclamation.

6) APPROVAL OF MINUTES

a. Joint Town Council/Beaufort County Council Meeting of October 27, 2010

Mr. Williams moved to approve. Mr. Harkins seconded. Mayor Peeples referred to the last sentence of Item 5 and stated the words “in a two phase process” should be included at the end because that was the actual recommendation. Everyone was in agreement. The amended minutes were approved by a vote of 6-0.

b. Regular Town Council Meeting of November 3, 2010

Mr. Williams moved to approve. Mr. Harkins seconded. The motion was approved by a vote of 6-0.

7) REPORT OF THE TOWN MANAGER

a. Town Manager's Items of Interest

The Town Manager reported on some items of interest.

b. November 2010 Policy Agenda, Management Targets and CIP Updates

Steve Riley noted the November updates were included in the agenda package and invited Council to contact him or staff if they had any questions.

8) REPORTS FROM MEMBERS OF COUNCIL

a. General Reports from Council

None.

b. Report of the Intergovernmental Relations Committee – George Williams, Chairman

Mr. Williams explained the November meeting had been cancelled due to a lack of agenda items.

c. Report of the Personnel Committee – Drew Laughlin, Chairman

Mr. Laughlin reported the Committee would be making a recommendation to fill a vacancy later in the meeting.

d. Report of the Planning and Development Standards Committee – Bill Ferguson, Chairman

Mr. Ferguson explained the November meeting had been cancelled due to a lack of agenda items.

e. Report of the Public Facilities Committee – John Safay, Chairman

No report.

f. Report of the Public Safety Committee – Bill Harkins, Chairman

No report.

9) APPEARANCE BY CITIZENS

Mary Amonitti spoke on general topics.

Mr. Tom Barnwell spoke on the topic of Mitchelville. After Mr. Barnwell spoke, Mayor Peebles suggested Council ask Steve to draft a letter of intent to lease the Fish Haul Park property to the Mitchelville Historic Preservation Project. He said the Committee needs to have a more affirmative statement to take to people stating the property will be made available when the group meets the required criteria for the lease. Mr. Williams said he thought that was what was being done, but if that is what they need he supported it. All Council members present were in agreement.

10) UNFINISHED BUSINESS

- a. Second Reading of Proposed Ordinance No. 2010-27 providing for the issuance and sale of not exceeding \$25,000,000 in aggregate principal amount of the Town of Hilton Head Island, South Carolina, Stormwater System Revenue Bonds, in one or more series, for the purpose of financing certain capital improvements and refinancing all**

or a portion of the \$17,000,000 original principal amount, Town of Hilton Head Island, South Carolina, Stormwater System Revenue Bonds, Series 2002, and other matters related thereto; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. Safay seconded. The motion was approved by a vote of 5-1. Mr. Williams was opposed.

- b. Second Reading of Proposed Ordinance No. 2010-24 granting Republic Services, Inc. a non-exclusive franchise for the purpose of conducting waste hauling and recycling collection for single family residential and certain multi-family residential units within the Town of Hilton Head Island; and providing for severability and an effective date.**

Mr. Safay moved to approve. Mr. Williams seconded. Mr. Williams asked about the 18 month time frame for transition. Sarah Skigen explained the process. Mr. Williams asked if during the time of transition, customers notified their existing haulers giving notice that they were changing to Republic Waste Haulers as of April 1, and their existing hauler discontinued service, would Republic step in and take on that customer for the rates in the contract to begin on April 1. Sarah Skigen replied that Republic Waste would do so but the rates of the contract do not begin until April 1, so they do not apply before that date. She stated rate structure before April 1 would be entirely up to Republic Waste. After public comment and discussion, the motion was approved 4-2. Mr. Ferguson and Mr. Harkins were opposed.

- c. Second Reading of Proposed Ordinance No. 2010-25 to amend Title 9 (Health and Sanitation) of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 6 (Recycling) Section 9-6-10, Section 9-6-20, and Section 9-6-30; and providing for severability and an effective date.**

Mr. Safay moved to approve. Mr. Williams seconded. After discussion concerning the language in the agreement and a consensus in favor of moving forward, the motion was approved by a vote of 4-2. Mr. Ferguson and Mr. Harkins were opposed.

11) NEW BUSINESS

- a. First Reading of Proposed Ordinance No. 2010- 15 to amend Title 15 (Building and Building Codes) of the Municipal Code of the Town of Hilton Head Island, South Carolina by adding a new chapter to the Title to include duties of the Building Official; general property maintenance and aesthetics regulations; notices and orders; enforcement actions; appeals process; emergency measures; amending Chapter 1 of Title 15 regarding quorum and voting; and providing for severability and an effective date.**

Mr. Safay moved to approve. Mr. Harkins seconded. Mr. Chet Williams spoke in opposition and questioned the enforcement of such an ordinance. Mr. Harkins asked if eliminating the economic language would impact the intent of the proposed ordinance. Mr. Williams asked how it is going to be determined who was responsible for the violation. Jill Foster stated it would be done on a case by case basis and went on to answer questions concerning the language of the proposed ordinance and plans for enforcement. Mr. Laughlin stated he could not support the proposed ordinance as it was written. He stated the language was too broad and someone leasing property should not be cited for violations which are the responsibility of the property owner. Mr. Harkins moved to approve the document eliminating the economic language contained within. Mr. Ferguson seconded. The amendment was approved by a vote of 5-1. Mr. Williams was opposed. Mr. Harkins

moved to have staff review the ordinance and add the appropriate specificity to address the concerns expressed by Mr. Laughlin and report back to Council within 45 days. After further discussion, Mr. Harkins withdrew the amendment. Mayor Peebles spoke in support for the need of the proposed ordinance. He explained any concern he had for code enforcement was satisfied by the fact that all violations would go through the Construction Board of Adjustment and Appeals comprised before citations were issued. The amended motion failed by a vote of 3-3.

b. Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the Town Manager or his designee to execute any and all documents necessary to cause the termination of the Forward Delivery Agreement associated with the 2002 Stormwater Utility Bonds.

Mr. Williams moved to approve. Mr. Safay seconded. Steve Riley explained the reason for the resolution. Frannie Heizer from McNair Law Firm spoke concerning the purpose of the Resolution and offered to answer any questions. After discussion, the motion was approved by a vote of 6-0.

c. First Reading of Proposed Ordinance No. 2010-28 authorizing the execution of that certain Utility Easement Agreement with Hilton Head No. 1 Public Service District over property owned by the Town of Hilton Head Island, South Carolina, near the intersection of William Hilton Parkway and Old Wild Horse Road pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2009), and Sec. 2-7-20, Code of the Town of Hilton Head Island, South Carolina, (1983); and providing for severability and an effective date.

Mr. Williams moved to approve. Mr. Ferguson seconded. Richard Cyr, General Manager, Hilton Head Public Service District, detailed the areas for the easements. The motion was approved by a vote of 6-0.

d. First Reading of Proposed Ordinance No. 2010- 29 authorizing the execution of that certain Utility Easement agreement with Hilton Head No. 1 Public Service District over portions of property owned by the Town of Hilton Head Island, South Carolina, along William Hilton Parkway pursuant to the authority of S. C. Code Ann. Sec. 5-7-40 (Supp. 2009), and Sec. 2-7-20, Code of the Town of Hilton Head Island, South Carolina, (1983); and providing for severability and an effective date.

Mr. Williams moved to approve. Mr. Harkins seconded. The motion was approved by a vote of 6-0.

12) EXECUTIVE SESSION

Mr. Riley said that he needed an executive session for contractual matters relating to land acquisition, including requests to use town-owned land; contractual matters pertaining to an OCRM Grant for the Port Royal renourishment project; contractual matters pertaining to the Storm Water Utility; legal matters pertaining to condemnation negotiations; and personnel matters pertaining to appointments to Boards and Commissions.

At 5:21 p.m., Mr. Williams moved to go into Executive Session for the reasons stated by the Town Manager. Mr. Ferguson seconded. The motion was approved by a vote of 6-0.

Mayor Peeples called the meeting back to order at 5:46 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Laughlin moved Town Council recommend Joe Hall for appointment by Beaufort County to the County Corridor Committee. Mr. Williams seconded. The motion was approved by a vote of 6-0.

Mr. Laughlin moved Town Council appoint Debra Welch to fill the currently vacant seat on the Design Review Board. Mr. Williams seconded. The motion was approved by a vote of 6-0.

13) ADJOURNMENT

At 5:47 p.m., Mr. Williams moved to adjourn. Mr. Ferguson seconded. The motion was approved by a vote of 6-0.

Vicki Pfannenschmidt, Secretary

Approved:

Thomas D. Peeples, Mayor

Items of Interest

December 7, 2010

I. TOWN NEWS

- a) Angie Stone, Senior HR Administrator, has recently completed a 3-year process to recertify as a Senior Professional in Human Resources (SPHR). Nancy Gasen, HR Director, has been granted lifetime SPHR certification. This certification signifies that Angie and Nancy possess a high level of education, experience and demonstrated knowledge in human resource management field. Approximately 5% of Human Resources professionals working across all positions and industries have received this designation.

(Contact: Greg DeLoach, Assistant Town Manager – phone 341-4634)

- b) The Town's compliance with 29 guidelines related to our Workers' Compensation Program was recently audited by the Municipal Association of SC. Compliance directly impacts our WC premium cost for the next calendar year. The Town's score was high enough to generate the maximum 5% guidelines discount for 2011. In addition, the Town will receive a WC program participation credit of \$87,421 from the SC Municipal Insurance Trust (SCMIT) during 2011.

The participation credit, in combination with the guidelines discount and other earned credits, will result in a 2011 WC premium reduction of \$49,921 (or 28.7%). This is the 4th year the Town's WC premium cost has decreased due to our focus on workplace safety and SCMIT discounts/credits resulting from positive claims and overall program experience. David Britton, Safety Committee Chairman, and Bonnie Evans, Senior HR Administrator, were key contributors to these results through their leadership in the Safety and WC areas.

(Contact: Nancy Gasen, HR Director – phone 341-4621)

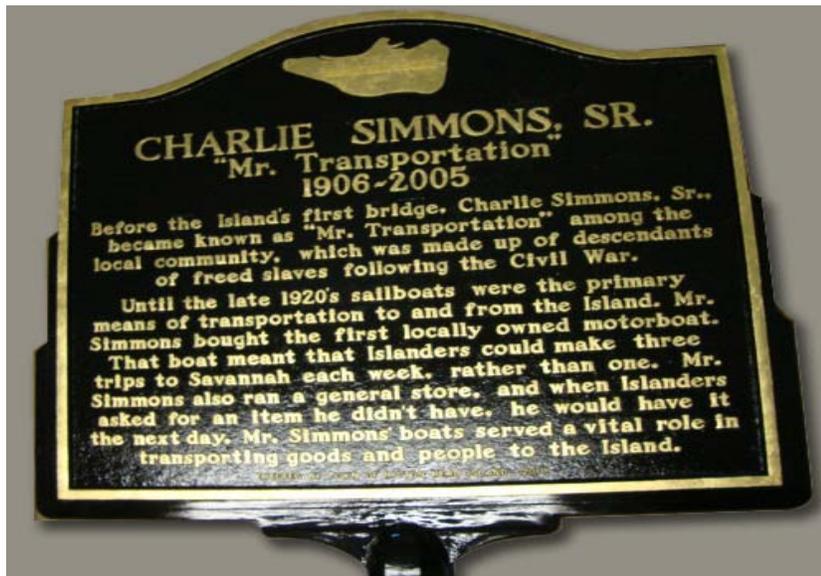
- c) Deputy Chief Brad Tadlock for successfully completed his Bachelor of Science degree in Fire Science from Columbia Southern University on August 31, 2010.

(Contact: Lavarn Lucas, Fire Chief – phone 682-5153)

- d) Anne Cyran, Senior Planner in the Community Development Department, has successfully passed the exam to become a certified planner and is now a member of the American Institute of Certified Planners. To earn this certification, Anne had to meet certain education and experience qualifications as well as pass a comprehensive written examination.

(Contact: Heather Colin, Development Review Administrator – phone 341-4607)

- e) On December 4th the Town held a ceremony in recognition of Mr. Charlie Simmons, Sr. through the placement of a historic commemorative marker along Spanish Wells Road. The marker tells about the life of Mr. Simmons and his contributions to this community. This was the first marker commissioned by the Town in an effort to enrich the community's knowledge of its unique history. The ceremony was held at Honey Horn and transportation to the sign location was provided by Gullah Heritage Trail Tours.



(Contact: Shea Farrar, Senior Planner – phone 341-4768)

- f) The Town of Hilton Head Island welcomed participants of the Open World Leadership Exchange on November 15 in Council Chambers and at Fire and Rescue Headquarters. Five doctors and an interpreter from Russia were hosted by the Rotary of Hilton Head Island for a week and the presentation here at Town Hall was one of many meetings and activities planned. Steve Riley presented an Overview of Local Government. Shawn Colin made a presentation on the Comprehensive Plan. Rich Hamilton reviewed the GIS Mapping system and Bonnie Evans explained the Town's Employee Wellness program. Fire & Rescue gave an overview of the Child Safety Seat program, conducted a tour of the Training Center and emergency vehicles, and demonstrated live firefighting techniques. The Fire & Rescue personnel who participated were: Fire Chief Lavarn Lucas, Battalion Chief Mick Mayers, Battalion Chief Ben Waller, Public Education Officer Cinda Seamon, Captain Dave Bell, Captain Eric Lainhart, Captain Randy Lindstrom, Lieutenant Chris Blankenship, Fire Apparatus Operator Colin Fanning, Fire Apparatus Operator Jeff Weber, Senior Firefighter Jonathan Bills, Senior Firefighter B.J. Ferguson, Firefighter Bryan Scharver.

(Contact: Steve Riley, Town Manager – phone 341-4700)

- g) Rich Hamilton, GIS Administrator, has been re-elected to the Board of Directors of the Geospatial Administrators Association of South Carolina (GAA-SC). Rich was also appointed to serve as Treasurer for the upcoming term. GAA-SC is a statewide organization of GIS administrators that promotes the effective development, coordination and utilization

of geospatial resources within and among local governments.

(Contact: Tom Fultz, Director of Administrative Services – phone 341-4791)

II. NOTEWORTHY EVENTS

a) Some of the upcoming meetings at Town Hall:

- Accommodations Tax Advisory Committee – December 8, 9:00 a.m.
- Town Council Workshop – December 9 – 11 at Honey Horn
- Board of Zoning Appeals – December 13, 11:00 a.m.
- Design Review Board, December 14, 1:15 p. m.
- Planning Commission, December 15, 3:00 p.m.
- Intergovernmental Relations Committee, December 21, 2:00 p.m.

(Meetings subject to change and/or cancellation. Please visit the Towns' website at www.hiltonheadislandsc.gov for meeting agendas)

2010 Hilton Head Island Events

Date	Time	Event	Location
Sat., Dec. 18, 2010	9:00 am - 10:00 am	HHI Jingle Jingle 5K	HH Medical Center Campus



Memorandum

TO: Town Council
FROM: Steve Riley, Town Manager
DATE: November 19, 2010
RE: **Second Reading of Proposed Ordinance No. 2010-28**

There were no changes made to Proposed Ordinance #2010-28 during the first reading on November 17, 2010.



Memorandum

TO: Town Council
FROM: Steve Riley, Town Manager
DATE: November 19, 2010
RE: **Second Reading of Proposed Ordinance No. 2010-29**

There were no changes made to Proposed Ordinance #2010-29 during the first reading on November 17, 2010.



MEMORANDUM

TO: Town Council

FROM: Stephen G. Riley, CM, Town Manager

VIA: Susan Simmons, Director of Finance

DATE: November 30, 2010

RE: Art League State Accommodations Grant Modification

Recommendation: Staff recommends that Council amend the 2010 grant as follows:

- Modify the \$10,000 grant funds designated for promotion of the League's move to the new location at the Arts Center. Town Council previously designated funds for the promotion of the move to the Mall at Shelter Cove which did not occur.
- Extend the grant period from December 31, 2010 to December 31, 2011.

Summary: The development agreement allowing a moving theater at the Mall also included leased space for either the Town or an approved non-profit at reduced rent. In accordance with the terms and process provided in the development agreement, the Art League received approval to become the lessee of this space. Due to various changes in the economy and the Mall's going concern issues, the Art League will not be able to execute this lease. Since the current space at Pineland Station no longer met its needs, on November 23, 2010 the Art League formalized a three year lease to relocate to the Greer Gallery in the Arts Center. It believes this space will better serve the organization, its members and the public.

Background: The League requested via the Town's Accommodation Tax Advisory Committee (ATAC) that the \$10,000 designated for the promotion of the move to the Mall be amended for a move to the Arts Center and the grant period be extended for a second year which is allowed under the laws for the State Accommodation Tax funds.

At its November 29, 2010 meeting, the ATAC unanimously voted to recommend Council approve these changes to the Art League's 2010 grant. ATAC recommendation letter is attached.

To the Town Council of the Town of Hilton Head Island

From the Accommodations Tax Advisory Committee

Dated November 30, 2010

Gentlemen:

At its February 2, 2010 meeting, Council voted to earmark \$10,000 of the 2010 ATAX grant, which Council approved, to the Hilton Head Art League to be used to advertise and promote the anticipated move of the League's gallery to the Shelter Cove Mall.

That move did not occur, but instead, the League is moving its gallery and all other operations to the Greer Gallery in the Arts Center.

Consequently, your ATAX committee, at its November 29, 2010 meeting, was asked by the League to recommend to Council, that the \$10,000 amount not expended to advertise the Mall move, be authorized by Council to be spent during 2011 to advertise and promote the move to the Greer Gallery.

On motion duly made and seconded, your committee unanimously agreed to recommend that such action be taken by Town Council.

Respectfully submitted,

Willis O. Shay, d/c

Willis O. Shay, Chairman