



THE TOWN OF HILTON HEAD ISLAND REGULAR TOWN COUNCIL MEETING

Tuesday, August 3, 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**
 - a. 25th Anniversary of the Hilton Head Island-Bluffton Leadership Program
- 6) **Approval of Minutes**
 - a. Regular Town Council meeting of July 6, 2010
 - b. Special Joint Meeting of the Town Council and Beaufort County Council of July 12, 2010
- 7) **Report of the Town Manager**
 - a. Town Manager's Items of Interest
 - b. Semi-annual report of the Board of Zoning Appeals – Roger DeCaigny, Chairman
 - c. August 2010 Policy Agenda, Management Targets and CIP Updates
- 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. 2010-13 to amend Chapter 1 (General Provisions) of Title 4 (Finance and Taxation) of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Section 4-1-30 Audit Required; and providing for severability and an effective date.
- b. Second Reading of Proposed Ordinance No. 2010-17 authorizing the granting of a temporary access easement to Rufus Boyd Laughlin across real property owned by the Town of Hilton Head Island, South Carolina located within the heirs of Alex Patterson subdivision on Marshland Road for the purposes of installing and maintaining a driveway pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2009), and Sec. 207029, Code of the Town of Hilton Head Island, South Carolina (1983); and providing for severability and an effective date.

11) New Business

- a. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island provide direction to staff concerning a recent request from American Tower to place telecommunication towers on two Town-owned properties. Further direction should be provided relating to the Council's desire to improve wireless communication within the Town.
- b. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island allocate funds in the fiscal year 2011 capital improvement budget to clean up the proposed sailing and rowing site to include the demolition of the existing pier, direct staff to apply for a DHEC/OCRM dock permit and designate funding in the 2012 capital improvement budget for site design and construction.
- c. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island provide direction to staff relating to drafting a community appearance standards ordinance.
- d. Consideration of a Resolution of the Town Council for the Town of Hilton Head Island to grant up to One Million Dollars to The Heritage Classic Foundation in order to assist the Foundation in meeting its obligations to the PGA to secure the Heritage Golf Tournament for 2011.
- e. Consideration of a recommendation that the Town's stormwater utility fee be increased to \$108.70 and that Council authorize the Mayor to send a letter to County Council Chairman Weston Newton.
- f. Consideration of a Proposed Order from the Revocation Hearing held in Town Council Chambers on July 6, 2010, revoking the business license of Club Paradise d/b/a Prana pursuant to Section 10-1-150 of the Municipal Code of the Town of Hilton Head Island.

12) Executive Session

- a. Land acquisition

13) Adjournment

Proclamation

WHEREAS, the Hilton Head Island-Bluffton Chamber of Commerce established a non-profit program dedicated to developing informed, committed, and qualified individuals capable of providing dynamic leadership for Hilton Head Island, and our Lowcountry region; and

WHEREAS, the Leadership program develops, informs, trains and enhances committed potential leaders to understand the issues and needs of our greater community.; and

WHEREAS, the Leadership program creates an environment which nurtures participant involvement and leadership through volunteerism, service and dedication to enhancing our quality of life; and

WHEREAS, the Leadership program continues to provide participants the opportunity to study and experience our Lowcountry history, government, economy, human services and culture; and

WHEREAS, through the past 25 years, more than 400 graduates have completed the Leadership program and moved forward in service and leadership;

NOW, THEREFORE, I, Thomas D. Peebles, Mayor of the Town of Hilton Head Island, hereby proclaim the year Two Thousand and Ten the

25th Anniversary of the Hilton Head Island-Bluffton Leadership Program

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this third day of August, in the year of our Lord, two thousand and ten.

Thomas D. Peebles

Thomas D. Peebles, Mayor

Attest:

Betsy R. Mosteller, CMC, Town Clerk

THE TOWN OF HILTON HEAD ISLAND
REGULAR TOWN COUNCIL MEETING

Date: Tuesday, July 6, 2010

Time: 4:00 P.M.

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

Present from Town Staff: Stephen G. Riley, *Town Manager*; Curtis L. Coltrane, *Assistant Town Manager*; Lavarn Lucas, *Fire Chief, Fire & Rescue*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Public Projects & Facilities Director*; Susan Simmons, *Director of Finance*; Teri Lewis, *LMO Official*; Paul Rasch, *Emergency Management Coordinator*; Nancy Gasen, *Human Resources Director*; Tom Fultz, *Director of Administrative Services*; Jeff Buckalew, *Town Engineer*; Steven Markiw, *Deputy Finance Director*; Lorie Schmidt, *Billing & Cash Receipting Manager*; Connie Pratt, *Code Enforcement Officer*; Brian Hulbert, *Staff Attorney*; Susan Blake, *Executive Assistant*

Present from Media: Laura Nahmias, *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**

6) **APPROVAL OF MINUTES**

a. **Regular Town Council meeting of June 1, 2010**

Mr. Heitzke moved to approve. Mr. Harkins seconded. Mr. Ferguson made a correction. The corrected minutes were approved by a vote of 7-0.

b. **Regular Town Council meeting of June 15, 2010**

Mr. Williams moved to approve. Mr. Harkins seconded. The minutes were approved by a vote of 6-0-1. Mr. Heitzke abstained because he did not attend this meeting.

c. **Special Town Council meeting of June 22, 2010**

Mr. Heitzke moved to approve. Mr. Williams seconded. The minutes were approved by a vote of 7-0.

7) **REPORT OF THE TOWN MANAGER**

a. **Town Manager's Items of Interest**

The Town Manager reported on some items of interest.

b. **Semi-annual report of the Design Review Board – Marvin Caretsky, Chairman**

Mr. Caretsky provided Town Council with an update on the Design Review Board activities

for the first half of 2010.

c. June 2010 Quarterly report

Steve Riley noted the quarterly report was attached to the agenda package. He invited Council Members to contact him or staff if they had any questions

d. Semi-Annual Land Acquisition Update

The Town Manager stated that there was approximately \$7 million of the \$12 million bond referendum remaining for land acquisition.

8) REPORTS FROM MEMBERS OF COUNCIL

a. General Reports from Council

Mr. Williams commented that if anyone watched the Fourth of July fireworks, he thought they would agree it was money well spent and the firework shows were very well attended.

He also spoke of an incident at Sea Pines recently about house lighting on the beach as it pertained to the Sea Turtle ordinance. Mr. Williams suggested that Town send out reminders to let the beachfront property owners know that it's more than a time-related restriction, but lights also needed to be shielded so they did not illuminate the beach.

Mr. Williams received a phone call from a person whose dog was attacked by a bull dog. The attack dog was under positive voice control but by two young girls about 8 years old. Additionally, Mr. Williams was out walking the beach at 11:30 a.m. and there were numerous dogs running around on the beach. He suggested that perhaps during peak tourist times, the Town might need to consider more stringent controls relating to dogs on the beach.

Lastly, Mr. Williams commented that he was reading an editorial in the local newspaper which questioned the Town's proposed budgeting of \$25,000 to study the dredging issue. He thought the editor needed to get a different perspective on the reasons this dredging was needed.

Mr. Laughlin applauded the efforts of private citizens who raised \$4.5 million dollars to build a new Children's Center. This was an incredible achievement and a tremendous asset to this community.

Mr. Laughlin also commented on the dredging issue. He said he thought it was way beyond the capability of private individuals to handle this and he thought the Town was going to have to help them.

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

There were no meetings planned for July or August.

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

They were meeting tomorrow afternoon because they still had one and maybe two spots to make recommendations for and they would be trying to do that as soon as they could.

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

The Committee received a report from staff concerning the drafting of a community appearance standards ordinance. The Planning and Development Standards Committee made some suggested modifications to the staff proposal. This would be coming forward to the Town Council at their next meeting for the purpose of providing staff with direction in order to

proceed with the drafting of a proposed ordinance.

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

They committee reviewed a modified plan for a rowing and sailing center. They listened to a presentation from the Town as to what could be done for considerably less expenditure than was originally proposed. This would be coming forward to the next Council meeting with a favorable recommendation.

Staff was seeking approval to get involved in negotiations to permit a company to install two more cell towers on the Island. The Committee felt that this would benefit the Town and therefore, gave it a favorable recommendation.

Mayor Peeples commented that he attended the Public Facilities Committee meeting and he was pleased to hear the members of the Rowing and Sailing Club and the residents of the Squire Pope POA were in agreement as to the direction of the plan.

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

No report.

9) APPEARANCE BY CITIZENS

None.

10) UNFINISHED BUSINESS

a. None.

11) NEW BUSINESS

a. Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina supporting Marine Corp Air Station Beaufort and the Joint Strike Fighter (F-35B) Squadrons.

Mr. Heitzke moved to approve. Mr. Safay seconded. The motion was approved by a vote of 7-0.

b. First Reading of Proposed Ordinance No. 2010-13 to amend Chapter 1 (General Provisions) of Title 4 (Finance and Taxation) of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Section 4-1-30 Audit Required; and providing for severability and an effective date.

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

c. First Reading of Proposed Ordinance No. 2010-17 authorizing the granting of a temporary access easement to Rufus Boyd Laughlin across real property owned by the Town of Hilton Head Island, South Carolina located within the heirs of Alex Patterson subdivision on Marshland Road for the purposes of installing and maintaining a driveway 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. Heitzke moved to approve. Mr. Ferguson seconded. The motion was approved by a vote of 6-1. Mr. Ferguson was opposed.

At this point it was 4:27 p.m. Since the Public Hearing could not commence until 5:30 p.m., Mayor Peeples asked the Town Manager if he needed an executive session.

12) EXECUTIVE SESSION

Mr. Riley said that he needed an executive session for contractual matters regarding land acquisition and legal advice pertaining to potential Club Prana litigation.

At 4:28 p.m., Mr. Heitzke moved to go into Executive Session for the reasons stated by the Town Manager. Mr. Williams seconded. The motion was approved by a vote of 7-0.

11. d. PUBLIC HEARING 5:30 P.M. – CLUB PRANA BUSINESS LICENSE HEARING

At 5:30 p.m. the Mayor called the meeting back to order and opened the Public Hearing on consideration of revocation of the business license for an establishment known as Club Prana.

Deputy Finance Director Steven Markiw provided the Town Council with background on this Club. He advised that this business has operated on 130 Arrow Road as Club Paradise, an adult entertainment club from 2000 – 2007. In 2008, the management of Club Paradise hired a management company called AOE Entertainment to run the facility. The format was changed to adult entertainment dance club. Since then, the number of calls for service at Club Paradise DBA Prana has increased significantly. In November 2009, at the request of the Sheriff's Office, Town Manager Steve Riley sent a letter to Jay Stevers of Club Paradise to inform him that they needed to do something about the calls for service. They were given ample time to respond to this warning. On June 29, 2010, the Town suspended the license based on the fact that the calls for service had not been reduced.

Capt. Toby McSwain of the Sheriff's Office provided the Council with additional specifics which led to the warning and subsequent license suspension. Since September 2008, the department has responded to 150 calls for service. Since the Town Manager sent a letter of warning to the Club in November 2009, the Sheriff's Office has responded 49 more times. Of the 150 calls, 106 have been noise complaints; the remainder were calls for shots fired, fights in the parking lot, assault and battery, alcohol violations, vandalism, patrons passed out in the parking lot. This club has call numbers higher than any other establishment on the Island; probably ten-fold. Capt. McSwain relayed Sheriff Tanner's comments to the Town, that the department has other law enforcement duties they needed to take care of, besides responding to 150 calls to one location – something needed to be done.

Mr. Ferguson asked if this was the same establishment previously known as Club Sky. Capt. McSwain said he thought that it had several names – Prana, Club Sky, Club Rain – they were just going to refer to it as 130 Arrow Road. The names have changed; it's still the same liquor license, but in Jay Stevers' name.

Mr. Harkins asked about the attitude of management towards the Sheriff's Deputy when they respond to a call for service. Capt. McSwain said they have not gotten a lot of cooperation from any of the management there. Mr. Amir Bitton and his staff met with Capt. McSwain when the nuisance ordinance was enacted. They were told what the letter of the law was then and what the Sheriff was going to be watching for – same as any other establishment in Beaufort County.

Brian Hulbert, Staff Attorney, noted that it was important to Town Council to understand that the license the Town is asking them to revoke was for Club Paradise and Jay Stevers is the person responsible for that license. The Town did also give notice to AOE Entertainment by personal delivery to Amir Bitton, who is the person on the Town's paperwork recognized to act on their behalf and accept process and things of that nature. Brian Toadvine, one of the managers for AOE Entertainment, which is the management club, has asked to speak here.

But the party who has to answer for the license for Club Paradise is Jay Stevers, not Brian Toadvine.

Brian Toadvine addressed Town Council on behalf of the management company. Mr. Toadvine said that they had taken over management of the Club approximately 18 days ago. He asserted that they have been more than cooperative with any of the Beaufort County troopers and the ABC Board who have been sent to their establishment. Mr. Toadvine said that he set up an appointment with ABC to learn of any laws they may not be aware of regarding alcohol violations. And they have since hired a security company which has SLED-certified security guards. He said he would do anything he could to keep their business up and running.

Steven Markiw came forward and offered a point of clarification. AOE Entertainment was represented by Amir Bitton. LIG was a new management company replacing AOE and was not licensed with the town and they cannot take over the liquor license for Club Paradise. Their representation here is not a factor as they should not be running that facility at this point in time without a license with the Town.

Jay Stevers felt there was some confusion. He thought the notice went to AOE because they were responsible for maintaining all the licenses and operating it and conforming to all the regulations, ordinances and so forth. But in the notice, there was no indication of his license with Club Paradise on this notice. So he was of the opinion that it was always AOE, the managing operators of the Club that was responsible for all the elements that were pointed out in the letter. So when Mr. Stevers received the notice, he thought it was just a copy. But the notice does not state Mr. Stevers' license.

Steven Markiw, pointed out that the letter says "Club Paradise" and Club Paradise is Jay Stevers and is DBA Prana as one and the same – that was the license. Mr. Markiw and Bruce Seeley from the Town spoke with Mr. Stevers and they explained to him that the license for Club Paradise DBA Prana was being suspended. They specifically pointed this out when Mr. Stevers was served with the notice. Mr. Stevers was also told that AOE was being noticed, too.

According to Jay Stevers there were only two licenses that were involved in the operation: Island Cabaret, Inc. and AOE. There was no Club Paradise license.

Steven Markiw responded that in materials provided to Town Council was (a copy of) the license for Club Paradise DBA Prana which was the license issued to Jay Stevers. At the time AOE took over, because the liquor license was at issue, the Town would not grant the change in name to Prana without it being attached to the liquor license. So what staff did was keep the Club Paradise name and did a "/DBA Prana." AOE Entertainment was kept separate and they do have a separate business license. So Island Cabaret went away when Club Paradise came into play. Steven Markiw had all the copies of the licenses in hand.

The Mayor asked if there was anyone present who was associated with whatever the name of the place was who wished to justify the actions asserted by the Sheriff's Office.

Brian Toadvine said that they have a decibel reader and they have never exceeded the 100 decibel level permitted by Town ordinance. Mr. Safay noted that even if the noise violations were discounted, which he realized was very subjective, the bottom line was the overwhelming number of more serious violations that have been occurring and continue to occur since the time of the warning in November 2009.

Jay Stevers re-approached the podium and argued that he has a license that was a special exception with the Town and there was only one license, and it was Island Cabaret, Inc. He said Club Paradise has nothing to do with the license. Further, there was nothing on the notice referring to Island Cabaret. So he was never under the assumption that his license was being suspended.

Capt. McSwain noted that the liquor violations have been written to Island Cabaret. That was the liquor license at that location.

Mayor Peebles asked if there was anyone else present who was an owner.

Eli Bitton, a member of AOE, talked about the noise issue. He said they turned off the bass to zero. He also stated that they have staff checking every ID and he cannot control people who come in with fake ID's. He maintained they also have security inside and outside.

Steven Markiw came forward and asked to clear up a confusion. He stated that in 2002 they have, signed by Jay Stever, a request to change Island Cabaret to Club Paradise and he wished to add this in as an exhibit for this hearing.

Brian Hulbert, staff attorney, approached Council with a request to clear up some misrepresentations. He said, as Council knows, there have been no changes to the noise ordinance in the past two years. He was not sure what the reference to 100 decibels was. Mr. Hulbert has personally talked to the deputy, as well as the code enforcement officers and they all said it was the bass that was the problem – it could be heard reverberating, and shaking the windows of the RVs across the street. Further, the noise meter at the club's doorway does not record bass, so it has no bearing here. The complaint was based on disturbing the public peace, not violating the decibel level of the noise ordinance. He also wished to reiterate that since November 10, 2009, there have been 18 calls for disturbance at Club Paradise DBA Club Prana. It has been doing business as Prana since 2008 when AOE took over management and when Mr. Hulbert started working at the Town five years ago, it was Club Paradise.

Mr. Heitzke moved to direct staff to prepare a formal order of revocation that would be heard at the next Town Council meeting on August 3, 2010. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

13) ADJOURNMENT

At 6:10 p.m., Mr. Heitzke moved to adjourn. Mr. Williams seconded. The motion was approved by a vote of 7-0.

Approved:

Susan Blake, Secretary

Thomas D. Peebles, Mayor

**THE TOWN OF HILTON HEAD ISLAND
SPECIAL JOINT MEETING OF THE TOWN COUNCIL AND
THE BEAUFORT COUNTY COUNCIL**

Hilton Head Island High School Visual and Performing Arts Center

Date: Monday, July 12, 2010

Time: 4:00 P.M.

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

Present from Town Staff: Stephen G. Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Teri Lewis, *LMO Official*; Sally Krebs, *Natural Resources Administrator*; Susan Blake, *Executive Assistant*

Present from Media: Laura Nahmias, *Island Packet*

1. Call to Order

The meeting was called to order by Mayor Peeples at 4:03 p.m.

2. Pledge of Allegiance and Invocation

3. FOIA Compliance – Public information of this joint session of Councils has been published, posted and mailed in compliance with the Freedom of Information Act and Beaufort County and the Town of Hilton Head Island requirements.

4. Opening Remarks – Mayor Peeples and Chairman Newton

a. Presiding Official

Mayor Peeples welcomed everyone and explained the purpose for this joint meeting. They would be hearing a report from the consultants on their recommendation for moving forward on the Airport Master Plan study. Following this report, a proposed Resolution would be moved and seconded in order to facilitate public comments and Councils' discussion.

b. Procedures

The Mayor said that right before the meeting had started, the Town and the County had come to an agreement to fund a noise study at a cost of \$50,000; the cost to be shared equally. He asked the public to please stay on topic during their comments and he also let them know that each person would be allowed three minutes to speak.

5. Administrative Report – Talbert & Bright

a. Presentation

A representative from the Talbert & Bright consulting firm gave a brief presentation to the joint councils. Their conclusion stated that "for the purposes of the 20-year Master Plan the recommended runway alternative is Alternative 2."

6. New Business

a. Resolution – A joint resolution of Beaufort County Council and The Town of Hilton Head Island to endorse one of the proposed alternatives presented by Talbert & Bright as part of the Hilton Head Airport Master Planning Process.

For the Town Council for the Town of Hilton Head Island, Mr. Williams moved to approve and Mr. Harkins seconded. At this time, the Mayor invited members of the audience to make their comments.

7. Public Comments

There were approximately forty people who chose to address the councils to express their thoughts regarding the proposal before them. They were almost equally divided in their opposition or agreement to the proposed alternatives. At the conclusion of the public comment period, the Mayor called for a brief recess at 5:58 p.m.

8. Discussion

The Mayor called the meeting back to order at 6:10 p.m. At this time, he turned the gavel over to County Council Chairman Weston Newton, who conducted the remainder of the meeting. Chairman Newton invited comments from all the Council Members. There was a lengthy discussion by everyone, stating their opinions about the proposals. Some of the County Council members presented brief slide shows outlining their ideas and suggestions. There was concern expressed about some of the language in the Resolution on the table and some Town and County members wanted to add exploration of a 4,600 ft. runway length to the 5,000 ft. and 5,400 ft. second phase extensions in Alternative 2. After additional discussion, Chairman Newton and Mayor Peeples suggested the following revisions to the Resolution:

In the seventh “whereas” clause, the sentence would end with “.....confirm or refute the assumptions regarding feasibility.” The remainder of the sentence, “and the ability to avoid direct physical impacts on, or require the relocation or displacement of, the St. James Baptist Church or existing private homes.” was deleted.

In the “Now, Therefore” clause, the following was added to the last sentence of the paragraph: “and further, that the sub-options discussed on July 12, 2010 be incorporated in the next steps of the planning process.”

For the Town, Mr. Williams, as the maker of the original motion, agreed to these amendments as did, Mr. Harkins, the seconder of the motion.

For the Town Council of the Town of Hilton Head Island, the motion was approved by a vote of 5-2. Mr. Heitzke and Mr. Ferguson were opposed.

9. Adjournment

There being no further business to conduct, the meeting was adjourned at 8:00 p.m.

Susan Blake, Secretary

Approved:

Thomas D. Peeples, Mayor

Items of Interest

August 3, 2010

I. TOWN NEWS

- a) The Town Council agenda packages are now available for viewing on the Town's internet website. This will enable staff and the public to view all materials associated with the agenda online. Staff and members of the public who wish to have a physical copy of the agenda package are encouraged to print their own. Starting with the September 7 Town Council meeting, we will provide only a limited number of copies on the back table for meeting attendees.

(Contact: Sue Blake, Executive Assistant – phone 341-4701)

- b) On Friday, June 25, Trudie Johnson, Floodplain Administrator and Ed Hughes, Beaufort County Tax Assessor presented "Post Disaster Assessment: A Collaborative Approach that Can Work in Your Community" as part of the 2010 summer meetings of the South Carolina City and County Management Association. The focus of the presentation was the Mutual Aid Agreement between all the Municipalities in Beaufort County that ensures a rapid consistent approach to damage assessment after a disaster.

(Contact: Jill Foster, Deputy Director of Community Development. 341-4694)

II. NOTEWORTHY EVENTS

- a) Some of the upcoming meetings at Town Hall:
- Planning Commission – August 4, 9:00 a.m.
 - Design Review Board – August 10, 1:15 p.m.
 - Parks & Recreation Commission – August 12, 3:30 p.m.
 - Town Council – August 17, CANCELLED
 - Planning Commission – August 18, 3:00 p.m.
 - Board of Zoning Appeals – August 23, 2:30 p.m.
 - Design Review Board – August 24, 1:15 p.m.
 - Planning and Development Standards Committee – August 25, 4:00 p.m.
 - Public Facilities Special Recycling Meeting – August 26, 2:00 p.m.
 - Planning Commission – September 1, 9:00 a.m.
 - Public Facilities Committee – September 7, 2:00 p.m.
 - Town Council – September 7, 4:00 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
Fri., Aug. 6, 2010	7:00 pm - 11:00 pm	Movies in the Park - Twilight: New Moon	Shelter Cove Community Park
Tue., Aug. 10, 2010	5:00 pm – 10:00 pm	HarbourFest	Shelter Cove Harbour
	7:00 pm - 10:00 pm	Summer Jams	Shelter Cove Community Park
Sat., Aug. 14, 2010	7:00 am – 10:00 am	Go Tri Sports Beach Bum Triathlon #2	Coligny Beach
Fri., Sept. 3, 2010	9:00 am - 3:00 pm	30th Annual HHI Celebrity Golf Tournament	Arthur Hills Course / Palmetto Hall
Sat., Sept. 4, 2010	9:00 am - 3:00 pm	30th Annual HHI Celebrity Golf Tournament	Robert Trent Jones Course / Palmetto Dunes
Sun., Sept. 5, 2010	9:00 am - 3:00 pm	30th Annual HHI Celebrity Golf Tournament	Harbour Town Golf Links / Sea Pines

August 2010 Policy Agenda

Top Priority		
Target	Chief Contact	Comments
Economic Development Policy, Strategy and Direction	Shawn Colin	Staff is participating and providing information to the Mayor's Task Force. A Sept P&DS workshop under evaluation. A draft agenda and participant list has been prepared.
Town Vision: Development	Steve Riley	The Task Force held a two day workshop June 25-26 to develop a final draft of goals and visions. They met on July 26 to discuss the draft report and a communication plan.
Strategic Growth Area Plan for Coligny Activity Center	Mike Roan	District Issues involving Right-of-Way responsibilities and public access, relative to the overall redevelopment of the area to go before P&DS Committee on 7-28
Marshland Road: Funding	Scott Liggett	SCDOT contract awarded – completion date Sept. 30, 2010
High Priority		
Target	Chief Contact	Comments
LMO: Rewrite	Teri Lewis	A staff team continues to research ways to rewrite the LMO to be consistent with TC goals and the newly adopted Comprehensive Plan, specifically in terms of flexibility, redevelopment and sustainability.
Redevelopment Policy, Strategy, and Direction	Shawn Colin	Staff providing research and analysis for Mayor's Task Force. See note above on potential P&DS workshop with existing SC Redevelopment Authority staff to educate and inform on topic.
Residential Recycling Direction and Implementation	Sarah Skigen	Staff has received all RFPs for both Processing and Collection of waste and recyclables. We are in the process of refining the evaluation process and moving toward the final stages of the procurement process. Staff recommendations along with a comprehensive presentation will be made at the special PFC meeting to be held @ 2pm on August 26 th .
Recreational Center and Aquatic Facilities Direction	Charles Cousins	The consultant team is currently drafting a feasibility study/business plan for the proposed expansion, which should be completed and submitted for staff review by July 23 rd .
Major Event/Public Art Event Support	Shawn Colin	Recommended sites will be reviewed at the PFC meeting August 3.
Moderate Priority		
Target	Chief Contact	Comments
Commercial Appearance Standards Evaluation and Direction	Jill Foster	Seeking direction from Town Council August 3 rd . Anticipate draft ordinance language to be ready for review in late August.
Development of Mitchelville Master Plan	TDB	A presentation will be made at the August 3 PFC meeting
Stormwater Utility Fee Direction	Scott Liggett	Determination to be made at August 3, 2010 Council Meeting. Staff recommends a fee of \$108.70
Dirt Streets Program: Funding and Relations to County	Jeff Buckalew	R/W acquisition ongoing with Town Attorney. Coordinating with County Public Works to rehabilitate Mitchellville Lane Ext as necessary for emergency responder.
Hickory Forest Beach Erosion Direction and Funding	Scott Liggett	Monitoring and field reconnaissance continues as part of the longstanding and on-going beach survey program.

August 2010 Management Targets

Top Priority		
Target	Chief Contact	Comments
Airport Master Plan: Completion, Policy Direction	TDB	The Town and County Councils held a joint public meeting on July 12 and adopted a joint Resolution endorsing Alternative 2 and added sub-options discussed at the meeting.
Airport Trees: LMO Amendments	Charles Cousins	These amendments were adopted at the May 4, 2010 TC meeting. The County has not yet submitted any applications to prune or remove trees for the 1:34 slope at the north end of the airport.
Mainland Transportation Agreement	Scott Liggett	Proposed agreement as provided by Beaufort County is under review.
Bridge Annexations	Curtis Coltrane	Discussions with SCDOT have been conducted, and internal review of statutes related to annexations has been undertaken.

High Priority		
Target	Chief Contact	Comments
Comprehensive Plan Update	Shawn Colin	Plan Adopted by Council. PC recommended priorities for implementation next step for Comp Plan Committee. Anticipate August meeting with Sept/Oct draft recommendations.
Sign & Outdoor Merchandising Regulation & Direction	Teri Lewis	Staff is working with the Town Attorney on a rewrite of a portion of the sign regulations to include outdoor merchandising. Amendments are expected to be drafted by early fall.
Fire Station 6 Direction	Curtis Coltrane	Discussions with Greenwood Development Corporation are ongoing relative to Greenwood's participation in the necessary exchanges of property to enable this project to move forward. An additional meeting with Greenwood is set for August 5, 2010.
CIP Funding Strategy, Development, and Policy Direction	Scott Liggett	FY 11 Budget approved – further detail, direction from Council to follow.
Create WI-FI at Town-owned properties	Tom Fultz	The targeted sites at Coligny and Compass Rose were completed in June.

CIP Monthly Report		
Project	Chief Contact	Comments
<ol style="list-style-type: none"> 1. WHP Resurfacing Phase II 2. Dunnagan's Alley Theater Demolition 3. Fire Station #1 Replacement 4. Temporary Fire Station #1 Renovation 5. Ground Mounted Street Signs 6. Squire Pope Area Drainage Project 7. Marshland Road Resurfacing 8. Carolina Office Park Project 9. Island Rec Center Enhancements 	Scott Liggett	<ol style="list-style-type: none"> 1. SCDOT contract awarded to APAC Southeast, work to commence on Island no earlier than 8/15/10. 2. Contract awarded to JS Construction Services – target completion date August 16, 2010. 3. Proposals received – completing due diligence. 4. Contract awarded to Nix Construction – target completion date September 7, 2010. 5. Proposals received – completing due diligence 6. Contract awarded to Cleland Construction – target completion date November 2010 7. SCDOT contract awarded to REA – target completion date Sept. 30, 2010. 8. Contract awarded to Nix construction – target completion date August 14, 2010 9. Phase I underway, target completion date July 23, 2010

MEMORANDUM

TO: Town Council

FROM: Stephen G. Riley, AICP, Town Manager

RE: Proposed Ordinance Number 2010-13 Audit Required

DATE: July 7, 2010

CC: Gregory D. DeLoach, Esq., Assistant Town Manager for Administration
Brian Hulbert, Esq., Staff Attorney

No changes were made to Proposed Ordinance #2010-13 as a result of First Reading on July 6, 2010.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2010-

PROPOSED ORDINANCE NO. 2010-13

AN ORDINANCE TO AMEND CHAPTER 1 (GENERAL PROVISIONS) OF TITLE 4 (FINANCE AND TAXATION) OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA BY AMENDING SECTION 4-1-30 AUDIT REQUIRED; AND PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Chapter 1 of Title 4 of the Municipal Code of the Town of Hilton Head Island, South Carolina on September 26, 1983; and

WHEREAS, Section 5-7-240 (Council required to provide for independent annual audit of financial records and transactions of municipality and agencies funded by municipal funds) of the South Carolina Code was amended during the 2000 Legislative session; and

WHEREAS, the Town Council now desires to amend Section 4-1-30 (a) of the Municipal Code to conform with Section 5-7-240 of the South Carolina Code (2009 Supplement).

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS HEREBY ORDERED ORDAINED BY AND UNDER THE AUTHORITY OF THE 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 Title 4 (Finance and Taxation) Chapter 1 (General Provisions) is hereby amended as follows:

Section 4-1-30. Audit required.

(a) The council shall provide for an independent annual audit of all financial records and transactions of the town and any agency funded in whole ~~or in part~~ by municipal funds **and may provide for more frequent audits as it deems necessary. Special audits may be provided for any agency receiving municipal funds as the town deems necessary.**

(b) The council shall designate a certified public accountant to conduct the audit no later than thirty (30) days after the beginning of the fiscal year for which the audit is being conducted. The accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers.

(Ord. No. 83-5, 9-26-83).

Section 2 Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA ON THIS ____ DAY OF _____, 2010.

Thomas D. Peeples, Mayor

ATTEST:

By: _____
Betsy Mosteller, Town Clerk

First Reading: _____
Second Reading: _____
APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



Memorandum

TO: Town Council
FROM: Steve Riley, Town Manager
VIA: Curtis Coltrane, Assistant Town Manager
DATE: August 3, 2010
RE: **Second Reading of Proposed Ordinance No. 2010-17**

There were no changes made to Proposed Ordinance #2010-17 during the first reading on July 6, 2010.

PROPOSED ORDINANCE NUMBER 2010-17 ORDINANCE NUMBER:

AN ORDINANCE OF THE TOWN OF HILTON HEAD, SOUTH CAROLINA, AUTHORIZING THE GRANTING OF A TEMPORARY ACCESS EASEMENT TO RUFUS BOYD LAUGHLIN ACROSS REAL PROPERTY OWNED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA LOCATED WITHIN THE HEIRS OF ALEX PATTERSON SUBDIVISION ON MARSHLAND ROAD FOR THE PURPOSES OF INSTALLING AND MAINTAINING A DRIVEWAY 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.

LEGISLATIVE FINDINGS

WHEREAS, The Town of Hilton Head Island, South Carolina owns an access and right of way parcel known as Tax Map Number R510 008 000 0496 0000 (“Town Parcel”) located within the Heirs of Alex Patterson Subdivision (“Subdivision”) located on Marshland Road which Property is more particularly known and described as:

All that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, shown and designated as the portion of “50’ ACCESS RIGHT OF WAY” commencing at “Marshland Road (S-7-245) R/W Varies” and extending to the northern most boundary of “Lot 7” as shown on a plat entitled “Boundary Survey of Various Parcels on Marshland Road, Patterson Tract, Hilton Head Island, Beaufort County, South Carolina” dated March 3, 2006, prepared by Sea Island Engineering, Inc., certified by John R. Carter, which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 112 at Page 105.

WHEREAS, Rufus Boyd Laughlin owns a parcel of real property known as Lot 7 of the Subdivision (“Laughlin Parcel”) and has requested an easement over a portion of the Town Parcel for the purpose of installing and maintaining a driveway across a portion of the Town Parcel for purposes of ingress and egress between the Laughlin Parcel and Marshland Road; and

WHEREAS, The Town Council of the Town of Hilton Head Island, South Carolina has determined that it is in the best interests of the Town to grant the requested temporary easement to Mr. Laughlin.

WHEREAS, under the provisions 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), the conveyance or granting of an interest in real property owned by the Town of Hilton Head Island must be effected by Ordinance.

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

Section 1. Execution of Easement Agreement.

- (a) The Mayor and/or Town Manager are hereby authorized to execute and deliver the Easement Agreement which is attached hereto as Exhibits “A”; and
- (b) The Mayor and/or Town Manager are hereby authorized to take such other and further actions as may be necessary to complete the execution of the Easement Agreement as authorized hereby.

Section 2. Severability.

If any section, phrase, sentence or portion 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 provision and shall not affect the remaining portion thereof.

Section 3. Effective Date.

This Ordinance shall become effective upon adoption thereof 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
_____, 2010.

Thomas D. Peeples, Mayor

ATTEST

Betsy Mosteller, Town Clerk

First Reading: JULY 6, 2010

Second Reading: _____

Approved as to form: _____
Gregory M. Alford, Town Attorney

Introduced by Council Member: Kenneth Heitzke

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) **TEMPORARY ACCESS EASEMENT
AGREEMENT**

THIS EASEMENT AGREEMENT is entered into this _____ day of _____, 2010, by and between **The Town of Hilton Head Island, South Carolina** (hereinafter, the “Town”) and **Rufus Boyd Laughlin** (hereinafter, the “Grantee”).

WITNESSETH

WHEREAS, the Town is the owner of an access and right of way parcel of approximately 1.636 acres known as Beaufort County Tax Map Number R510 008 000 0496 0000 (the “Town Parcel”) as further described below located within the Heirs of Alex Patterson Subdivision (the “Subdivision”) off Marshland Road (State Road S-7-245); and

WHEREAS, the road right of way known as Alex Patterson Road is located within a portion of the Town Parcel; and

WHEREAS, Grantee is the owner of a parcel of real property known as Lot 7 of the Subdivision, Beaufort County Tax Map number R510 008 000 008P 0000 (the “Laughlin Parcel”) and has requested an easement over a portion of the Town Parcel for the purpose of installing and maintaining a driveway across a portion of the Town Parcel for purposes of ingress and egress between the Laughlin Parcel and Marshland Road; and

WHEREAS, the Town desires to grant Grantee a temporary easement for such purposes on the terms and conditions set forth herein with such easement to terminate if and when a permanent paved road across the Town Parcel benefitting the entire Subdivision is installed by the Town or its successors

EXHIBIT A

or assigns.

NOW, THEREFORE, know all men by these presents, the Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other valuable consideration, has bargained, granted, and sold and by these presents does hereby bargain, grant, and sell to Grantee, his successors and assigns, a temporary non-exclusive ingress and egress easement for pedestrian and vehicular travel on, over and across that portion of the Town's property which is described as follows:

All that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, shown and designated as the portion of "50' ACCESS RIGHT OF WAY" commencing at "Marshland Road (S-7-245) R/W Varies" and extending to the northern most boundary of "Lot 7" as shown on a plat entitled "Boundary Survey of Various Parcels on Marshland Road, Patterson Tract, Hilton Head Island, Beaufort County, South Carolina" dated March 3, 2006, prepared by Sea Island Engineering, Inc., certified by John R. Carter, which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 112 at Page 105.

(Hereinafter, the "Easement Property").

It being understood that the Easement Property is fifty (50') feet in width being the portion of the "50' Access R/W" shown on the above-referenced plat running between Marshland Road and the northern most intersection of Lots 7 and 16 with the "50' Access R/W".

The easement is granted and accepted subject to the following terms:

1. This easement is conveyed subject to all other easements, licenses, and conveyances of record and is subject to the rights herein reserved by the Town, its successors and assigns, to utilize the Easement Property at any time, in any manner, and for any purpose, provided, however, that such use by the Town shall not be inconsistent with nor prevent the full utilization by Grantee of the rights and privileges granted herein.
2. Grantee may plan, lay out, build, improve and maintain an driveway for vehicular travel by Grantee, its invitees and licensees upon the Easement Property (the "Driveway"). Grantee shall, at its

sole cost and expense, cause all timely cleaning, repair, renovation, signage, striping, drainage improvements, and all other improvements in general to the Driveway as shall be or shall become necessary and/or prudent for the reasonable safety of all persons using the Driveway. The Driveway may be unpaved or improved with gravel, asphalt, cement or other paving material customarily utilized for driveways in Hilton Head Island. Grantee shall submit a Driveway paving plan in writing to the Town prior to paving the Driveway with any such material and shall not undertake such paving until the Town has issued written approval of such plan.

3. The ingress/egress and access rights granted herein are for private access by the Grantee, its agents, invitees and licensees only, to the Laughlin Parcel, shown as "Lot 7 1.14 Ac." on the plat referenced hereinabove, and the easement grant and rights herein do not extend to the general public nor do the same constitute a dedication by the Town of any roadway or access rights to the general public.

4. This easement and the rights granted herein are temporary and shall automatically expire in the event a permanent paved road across the Town Parcel benefitting the entire Subdivision is installed by the Town or its successors or assigns, in which event Grantee agrees to execute any easement termination document requested by the Town to be recorded in the Office of Register of Deeds for Beaufort County, South Carolina.

5. This temporary grant of easement shall run with the land and shall be binding upon and shall enure to the benefit of the parties hereto, their respective heirs, successors and assigns, subject to the termination provisions set forth in Paragraph Four (4) above.

To have and to hold, all and singular, the rights, privileges, and easements aforesaid unto the Grantee, its successors and assigns.

In Witness whereof, the parties hereto have caused the within Easement Agreement to be executed by their duly authorized officers on this _____ day of _____, 2010.

WITNESSES:

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

(Signature of Witness #1)

By: _____
Thomas D. Peeples, Mayor

(Signature of Witness #2 – the Notary Public)

Attest: _____
Stephen G. Riley, CM, Town Manager

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

UNIFORM ACKNOWLEDGMENT
S. C. CODE ANN. § 30-5-30 (SUPP. 2009)

I, the undersigned Notary Public, do hereby certify that THOMAS D. PEEPLES and STEPHEN G. RILEY, personally appeared before me on this day and duly acknowledge the execution of the foregoing instrument on behalf of The Town of Hilton Head Island, South Carolina.

Sworn to and Subscribed before me
on this _____ Day of _____, 2010.

Notary Public for South Carolina
My Commission Expires: _____

WITNESSES:

(Signature of Witness #1)

Rufus Boyd Laughlin

(Signature of Witness #2 – the Notary Public)

STATE OF SOUTH CAROLINA

)

COUNTY OF BEAUFORT

)

UNIFORM ACKNOWLEDGMENT
S. C. CODE ANN. § 30-5-30 (SUPP. 2009)

I, the undersigned Notary Public, do hereby certify that RUFUS BOYD LAUGHLIN personally appeared before me on this day and duly acknowledge the execution of the foregoing instrument.

Sworn to and Subscribed before me
on this _____ Day of _____, 2010.

Notary Public for South Carolina
My Commission Expires: _____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Town Council
VIA: Curtis Coltrane, *Assistant Town Manager*
FROM: Charles F. Cousins, *Director of Community Development*
DATE: July 7, 2010
SUBJECT: Telecommunication Towers/Improved Wireless Communication

Recommendation: Staff recommends the Town Council provide direction to staff concerning a recent request from American Tower to place telecommunication towers on two Town owned properties. Further direction should be provided relating to the Council's desire to improve wireless communication within the Town.

At the July 6, 2010 meeting of the Public Facilities Committee, the Committee voted to recommend to Town Council to enter into negotiations with American Tower for the lease of two Town owned sites. One would be located in Crossings Park and one on the Station 7 property - the terms would be worked out and brought back to Town Council at a later date. The Committee also recommended that Town Council direct staff to move forward and begin investigations of ways the Town can be proactive with the business community in moving forward with expanding the wireless broadband and other telecommunication capabilities on Hilton Head Island.

Summary:

American Tower Company has inquired about the possibility of placing cell towers on both the Town's Crossings property and at the Fire Station 7 site. They desire to enter into a 25 year lease of a 100x100 foot area at both sites. The actual area to be leased may have to be altered based on fall zone calculations of the tower and LMO buffer and setback requirements. Also the LMO requires all towers of 150 feet or more in height to be lighted. American Tower has agreed to limit the height to less than 150 feet so it will not have to be lighted. In negotiating any lease associated with this request, consideration should be given to future Town emergency communication needs. Adequate space, approved by the Town's Fire and Rescue Division, should be reserved on each tower for future emergency 911 service infrastructures.

During its annual workshop in 2009, Town Council discussed improving wireless communication ability for the public. Since that time, the Mayor's Task Force for the Future has also discussed improving wireless communication capabilities for the public. In considering this request from American Tower, Town Council could consider investigating a more comprehensive analysis of how its property could be used to further wireless communication capabilities within the Town.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Steve Riley, *Town Manager*
VIA: Charles Cousins, *Director of Community Development*
VIA: Jill Foster, *Deputy Director of Community Development*
VIA: Shawn Colin, *Comprehensive Planning Manager*
FROM: Marcy Benson, *Senior Grants Administrator*
DATE July 19, 2010
SUBJECT: Sailing and Rowing Center Proposal

Recommendation: The Public Facilities Committee recommends Town Council allocate funds in the fiscal year 2011 capital improvement budget to clean-up the proposed sailing and rowing site, direct staff to apply for a DHEC/OCRM dock permit and designate funding in the 2012 capital improvement budget for site design and construction.

Staff is proposing a revision to the recommendation to include specific notation of the demolition of the existing pier. The revised recommendation follows:

Staff recommends Town Council allocate funds in the fiscal year 2011 capital improvement budget to clean-up the proposed sailing and rowing site to include the demolition of the existing pier, direct staff to apply for a DHEC/OCRM dock permit and designate funding in the 2012 capital improvement budget for site design and construction.

Summary: In 2005 a private citizens group proposed a sailing and rowing center be located on Town owned property. This proposal was endorsed by the Town's Parks and Recreation Commission and forwarded to the Town Council. As part of this effort the citizen's group prepared a site plan and estimated construction cost of \$1.5 million and committed to a donation of \$1 million towards the proposed center. The operations and management of the facility would be handled by the Island Recreation Association. This project proposal was presented to the Public Facilities Committee in 2009 and included updated construction costs for a project total of \$2.6 million. At that time the Public Facilities Committee asked Town staff to review the estimate and develop a basic bare bones construction cost estimate.

The 2010 construction cost estimate shows the project to be constructed for a total cost of \$1 million. Funding for this project would be provided by the Town (\$692,794) and by private donations from the sailing and rowing groups (\$356,600). In addition to the Town funds for facility construction the Town funded portion of the proposed annual operating budget for the facility (prepared by the Island Recreation Association) would be approximately \$67,000 for a non-staffed facility.

On July 6, 2010 the Public Facilities Committee unanimously approved to recommend Town Council allocate funds in the fiscal year 2011 capital improvement budget to clean-up the proposed sailing and rowing site, direct staff to apply for a DHEC/OCRM dock permit and designate funding in the 2012 capital improvement budget for site design and construction.

Background: In June 2005 a citizen's group of sailing and rowing supporters approached Town Council with a request to construct a sailing and rowing center on Town-owned property. Working with the Parks and Recreation Commission, Town staff and the now disbanded water sports committee evaluated seven (7) Town-owned properties to identify which location had the best potential to develop a sailing and rowing center. In June 2006 an eighth Town-owned property, the former Seafood Co-op site on Squire Pope Road, was evaluated and became the location best suited for a sailing and rowing center.

In 2006, the Parks and Recreation Commission and the Public Facilities Committee recommended to Town Council the conceptual approval of developing a sailing and rowing center on the Squire Pope Road site. In 2007, Town Council agreed with the recommendations and approved the concept of developing a sailing and rowing center, further directing staff to include the neighborhood in future planning efforts. This approval also included the understanding that the citizen's group organization would begin a fundraising effort to provide \$1 million to build the facility and to provide appropriate boats and equipment if Town Council provides the property and related infrastructure. The original construction estimate, prepared by the citizen's group, was \$1.5 million.

Town staff and representatives from the sailing and rowing groups, the neighborhood property owner's association, and the Hilton Head Island Recreation Association resumed regular meetings in 2009 to update the 2005 construction and operating budget estimates. These meetings resulted in new budgets which showed an increased cost over the original 2005 budget estimate and a diminished private fundraising amount below the original fund raising goal of \$1 million. When presented with this increased budget, the Public Facilities Committee directed Staff to review the construction and annual operating costs and return to the Committee with a more detailed comparison of the original 2005 and the updated 2009 estimates, including a phased project construction cost breakdown.

The 2009 budget estimate reflected a two phased project with a total construction cost estimate of \$2.6 million. In October 2009 the Public Facilities Committee directed Town staff to review this estimate and develop a basic bare bones construction cost estimate. Town staff developed a revised 2010 construction cost estimate showing the project to be constructed for a total cost of \$1 million. Funding for this project would be provided by the Town (\$692,794) and by private donations from the sailing and rowing groups (\$356,600).

The minimum elements needed for the facility includes:

1. Demolish existing pier and site clean up
2. Install new replacement pier
3. Floating sail boat dock
4. Fenced boat storage area
5. Community pavilion
6. Rest rooms

7. Gravel parking spaces
8. Access gate
9. Paved drive aisle and modified hammerhead turn-around area

In addition to the Town funds for facility construction the Town funded portion of the proposed annual operating budget for the facility (prepared by the Island Recreation Association) would be approximately \$67,000 for a non-staffed facility.

At the July 6, 2010 Public Facilities Committee meeting the committee unanimously approved to recommend Town Council allocate funds in the fiscal year 2011 capital improvement budget to clean-up the proposed sailing and rowing site, direct staff to apply for a DHEC/OCRM dock permit and designate funding in the 2012 capital improvement budget for site design and construction. The following concerns were raised at this Public Facilities Committee meeting:

1. The number of security cameras for the facility should be reviewed. The current budget indicates one camera.
2. Review the possibility of dredging at the proposed location and include this cost in the proposed budget.
3. The equipment donation from the sailing and rowing group and the potential maintenance cost of the equipment. Staff discussed this concern with the Island Recreation Association and additional information will be available at the August 3rd Town Council meeting.

Main Attachments:

Appendix A: Revised draft 2009 annual operations budget.

Appendix B: Revised draft 2010 construction cost estimate.

Attachment C: Original 2005 construction and operating cost estimate.

Other Attachments:

- Location map
- Draft Site Plan
- Letters of endorsement from Hilton Head Island Recreation Association, Carolina Sailing Center, Hilton Head Rowing Association and Squire Pope-Stoney-Gumtree Road POA

**Squire Pope-Stoney Gumtree
Community Pavilion
and
Rowing/Sailing Center**

*DRAFT PROPOSAL
June 2010*

*Prepared by
The Carolina Sailing Center
Hilton Head Rowing Association
Squire Pope-Stoney Gumtree Road POA
Hilton Head Island Recreation Association*



The VISION:

The vision is to provide enjoyment and education on one of the most important amenities of the community by offering enriching water oriented cultural activities, and safe, affordable recreational non-motorized boating opportunities to area residents and visitors.

Proposal Background

In 2007 Town Council approved the concept of developing a sailing and rowing center on Town owned property located on Squire Pope Road, at the former Seafood Co-op site (see map). Since this time representative from the sailing and rowing groups, the neighborhood property owner's association, the Hilton Head Island Recreation Association (HHIRA) and Town staff have met to finalize the elements of the park.

The recommended minimum needs include the following key elements:

1. Demolish existing pier and site clean up
2. Install new replacement pier
3. Floating sail boat dock
4. Fenced boat storage area
5. Community pavilion
6. Rest rooms
7. Gravel parking spaces
8. Access gate
9. Paved drive aisle and modified hammerhead turn-around area

Currently the Carolina Sailing Center offers youth sailing lessons through the South Carolina Yacht Club located inside the Windmill Harbor community. After school and summer sailing programs are operated at this location and serve approximately 100 youth per year since the late 1990's. The high school sailing program operates four (4) days per week August through May. Summer sailing programs are held daily, with sessions for beginners during morning hours and advanced sailors during afternoon hours from June through August. Scholarships are made available each year for students who would otherwise not be able to participate in the sailing program due to financial constraints.

Two impediments with the existing sailing program are facility location and size. The current location in the Windmill Harbor community presents access limitations. Due to the South Carolina Yacht Club location, program participants must access the facility via a private security gate. The sailing program has operated at maximum capacity for several years and has not been able to grow due to space limitations at the South Carolina Yacht Club.

The Hilton Head Rowing Association offers regularly scheduled rowing sessions using space located under The Old Oyster Factory Restaurant on Marshland Road. The Hilton Head High School Junior Rowing program is the current youth rowing program and uses the Hilton Head Rowing Association equipment. This youth rowing program operates a fall and spring program. Each program runs five (5) days per week September through November and January through April.

Three impediments with the existing rowing program are facility space, location on the water, and parking. The facility space is very limited, the location is on upper Broad Creek which has no water at low tide, and there is no secure place for equipment repair and storage. Due to the space restrictions the Association is only able to offer a junior program to Hilton Head High School. Because of limitations on vehicle parking at the facility shortened lengths of time for rowing sessions have been necessary.

The proposed sailing and rowing facility will provide educational and safe rowing and sailing programs and special water related and cultural activities sponsored by the neighborhood for local and regional community groups. Beginner through advanced instructional lessons will be scheduled and marketed through the HHIRA.

The Carolina Sailing Center and the Hilton Head Rowing Association, both 501(C) (3) organizations, have united to form and support the proposed Community Rowing and Sailing Center. The mission of the group is to encourage and support rowing and sailing activities in the Hilton Head Island area. At this time the Carolina Sailing Center forecasts the ability to raise approximately \$100,000 in cash donations and provide sailing equipment for the proposed facility.

The following information covers key aspects of the facility development, operations, and maintenance. The various boards and associations endorsed this proposal and have taken official actions which are attached.

It is anticipated that funding may occur over several budget cycles and for this reason various components are listed in priority order. The committee seeks favorable review and discussion of this matter so that proper steps can be taken to fund, construct, and maintain the facility.

General Operation Plan

Operation Overview:

The Town of Hilton Head Island would enter into a management agreement with the HHIRA for the Community Park and Pavilion-Rowing/Sailing Center. The agreement would be similar to the current arrangement between the Town and the HHIRA for the operation of the Shelter Cove Community Park and the coordination of the Jarvis Park Picnic Shelter.

The HHIRA would provide management and program coordination, while the Town (working with the County) would provide daily maintenance of the facility.

The HHIRA would form a sub-committee, which would consist of seven (7) members. The seven (7) members would be selected from the Squire Pope-Stoney Gumtree Road POA, the sailing and rowing community and groups representing other forms of non-motorized water activities. One member would serve as a representative to the HHIRA Board of Directors. The HHIRA would assign a staff member to aid in the coordination of the sub-committee. The sub-committee, along with the staff, would provide monthly updates at the HHIRA's Board of Director's meeting.

The HHIRA would assign two current staff members to coordinate programs and activities.

The HHIRA staff would provide monthly, or as needed, updates to the Town's Park and Recreation Commission, at their regularly scheduled meetings, on the status of program offerings and enrollment, any budget and maintenance of the park, community pavilion and the sailing and rowing center.

Hour of Operation:

The Community Pavilion and Sailing/Rowing Center would be open seven (7) days a week. Hours would vary from season to season and be based on programs which are provided to the community. The initial plan is to open as early as 6 am and close at or near sunset.

Any type of non-motorized boat may be launched from the center during operational hours.

The opening and closing would be part of the Facilities Department of the Town. This would be similar to the opening and closing of Jarvis Creek Park. Special arrangements will be made for special events and other activities at the site.

Programs:

Working with the Squire Pope-Stoney-Gumtree POA/Sailing/Rowing program committee, HHIRA would implement year-round community wide sailing and rowing programs and assist with any SP-SG POA special events and educational activities as needed. Programs and events will be designed for all ages.

The HHIRA would manage program registration, collection of fees (if needed) and provide staff to assist during special events as needed.

Programs could include, however not limited to, sailing and rowing instruction, outdoor adventure programs, fishing and crabbing, cast net making, bateau construction, and other water oriented community festivals and picnics. Many of the activities will focus on the historical importance of the Island's waterways to the community.

Marketing these programs will be a part of the HHIRA's marketing plan.

Storage:

Currently, the plans call for limited on site storage facilities. The HHIRA would coordinate the management of the storage facilities. Storage fees may be developed to help off set program cost.

Individuals can bring their boats to the center and launch during open hours.

Operational Budget (Annual Estimate):

There are many unknowns at the moment to developing a final operational budget. Issues such as an increase to the town's budget for operation and maintenance; along with the possibility of the creation of an endowment fund for operation will need to be addressed before the development of a final budget. It will also need to be determined if the center will have on-site staff or be managed from the Island Recreation Center. Either one of these options are possible, however on-site staffing will increase operation funding needs sufficiently.

The attached Appendix A is an estimated annual operational budget draft proposal. The table on page 1 of Appendix A shows the income estimates for both a full time staffed facility and a non-staffed facility. This draft income estimate was developed based on the current information provided by the stakeholders involved with the proposed facility. The final method of facility operation has not been determined and direction on the final scope of the project must be established before a firm operational budget can be developed.

The table on pages 2 and 3 of Appendix A shows the expenses estimate for both a full time staffed facility and a non-staffed facility. The estimated figures provided in this table are based on the operational expenses in the HHIRA contract for the management of Shelter Cove Community Park and the Jarvis Park Picnic Shelter and the grounds and facility maintenance estimated costs are provided by the Town Facilities Management Department. In the contract for Shelter Cove, the HHIRA manages and implements events. The HHIRA pays utilities, while the Town coordinates the daily maintenance of the park.

In the draft annual income estimate (Appendix A page 1) for a staffed facility option it is listed the Town provides funds to the facility through the general fund, facilities maintenance and capital projects budgets in the amount of \$200,750 per year. This amount is a general estimate and will fluctuate each year. In the non-staffed facility option the draft annual income estimate shows the Town would provide funds to the facility from the general fund and facilities maintenance budgets in the amount of \$67,700. Additional income to the facility in both scenarios would be generated through programs, special events, vending/merchandise and storage fees.

In the draft annual expenses estimate (Appendix A pages 2 & 3) for a staffed facility option the total annual expenses are \$255,750. The draft annual expenses estimate for a non-staffed facility are \$113,725. There is a \$142,025 difference in expenses for a staffed versus non-staffed facility.

Construction Costs:

The attached Appendix B is a preliminary draft construction cost estimate for the facility. This estimate shows costs for the entire project. The estimated total construction cost is approximately \$1 million. Of this amount the Town would contribute \$692,794 and private donations would account for \$356,600. This construction cost estimate was recently updated by Town Staff after consulting with construction contractors. This estimate is subject to fluctuation based on current market construction costs.

Capital (Start-up Program Equipment):

The local sailing and rowing clubs will donate existing program equipment for programs and other activities and fund approximately \$100,000 in cash donations for needed start-up costs through various individuals, groups and businesses.

Capital Maintenance:

Capital Maintenance such as dock repair etc., would be part of the HHIRA's capital improvement request made yearly to the Town during the budget process via the Parks and Recreation Commission and Town Council.

Other Considerations:

Consideration should be given to a private-public partnership for the rental of equipment and providing programs at the center. This would be similar to some of the current situation the HHIRA has now within its own program offering.

Attachments:

Appendix A- Revised draft 2009 annual operations budget

Appendix B- Revised draft 2010 construction cost estimate

Appendix C – Original 2005 construction cost estimate

Location Map

Draft Site Plan

Hilton Head Island Recreation Association Board Letter of Endorsement

The Carolina Sailing Center Letter of Endorsement

Hilton Head Rowing Association Letter of Endorsement

Squire Pope-Stoney Gumtree Road POA Letter of Endorsement

Appendix A
Estimated Annual Operating Budget *Income* Breakdown
Draft Proposal
2009

	Proposed (Full Time Staffing)	Proposed (Without Staffing on-site)
GOVERNMENT		
Town- General Fund	123,750	35,700
Town- Facilities Maintenance	32,000	32,000
Town-Capital Projects	45,000	0
SUB-TOTAL:	200,750	67,700
OTHER INCOME		
Special Events	5,000	2,500
Vending/Merchandise	2,500	750
Miscellaneous	0	0
Storage	10,000	10,000
Rental Boat	7,500	0
SUB-TOTAL:	25,000	13,250
PROGRAMS		
Sailing	25,000	25,000
Rowing	5,000	2,500
Other	0	5,275
SUB-TOTAL:	30,000	32,775
TOTAL INCOME:	255,750	113,725

When reviewing this DRAFT budget, please note it was developed based on the current information provided by the stakeholders involved with the project. The final method of facility operation has not been determined and direction on the final scope of the project must be approved before a solid operational budget could be developed.

Appendix A
Estimated Annual Operating Budget *Expense* Breakdown
Draft Proposal
2009

	Proposed (Full Time Staffing)	Proposed (Without Staffing on-site)
General & Administrative		
Accounting & Bank Fees	0	0
Computers Lease & Services	2,500	0
Dues & Subscriptions	0	0
Electricity	4,000	4,000
Fire Alarm Service	400	400
Insurance (Gen, Prop, D&O)	3,500	1,500
Leases- Office Equipment	1,800	0
Educational Training	0	0
Postage and Freight	500	0
Printing- General	2,500	2,500
Repairs- Building & Docks	7,500	7,500
Repairs- Boats	5,000	5,000
Grounds & Facility Maintenance*	32,000	32,000
Service contract- HVAC	1,500	1,500
Security contract	0	0
Supplies- General Purpose	2,500	0
Supplies- Janitorial	2,000	2,000
Supplies- Office	1,500	0
Supplies- Boats	5,000	5,000
Telephone	3,000	0
Vehicles	3,500	250
Water & Sewer	1,500	1,500
Sub Total:	80,200	63,150

The estimated figures provided above are based on the operational expenses in the Island Recreation Association contract for the management of Shelter Cove Community Park and the Jarvis Park Picnic Shelter. In the contract for Shelter Cove, the Island Recreation Association manages and implements events. The Association pays utilities, while the Town coordinates the daily maintenance of the park.

***The estimate for grounds & facility maintenance, was provided by Town of Hilton Head Island Facilities Management Department.**

Appendix A
Island Recreation Association
Estimated Annual Operating Budget
Expense Breakdown
Draft Proposal - Continued

	Proposed (Full Time Staffing)	Proposed (Without Staffing on-site)
Payroll, Taxes, & Benefits		
Facilities Director	35,000	
Program Supervisor	28,000	
Seasonal Staff	30,000	15,000
Admin Assist part-time		10,000
SUBTOTAL:	93,000	25,000
Payroll Taxes	7,800	1,900
Workman's Compensation	2,500	250
Unemployment Taxes	1,000	100
Health Insurance	13,000	0
Long Term Disability Insurance	1,000	0
Employer Match 401 (k)	1,000	0
SUBTOTAL:	26,300	2,250
Other Income: (expenses)		
Misc. Income	750	0
Special Events	2,500	1,500
SUBTOTAL:	3,250	1,500
Programs:		
Sailing	5,000	20,200
Rowing	1,500	1,625
Other	1,500	0
SUBTOTAL:	8,000	21,825
CIP Budget:	45,000	0
TOTAL EXPENSE:	255,750	113,725

With new programming opportunities a sailing and rowing facility would bring to the Island Recreation Association, it is anticipated there will be a need to reorganize responsibilities within the staff of the Association and possibly add a seasonal part-time office administrator to handle increased volume of calls/registration.

**COST ESTIMATE
SAILING/ROWING CENTER AND NEIGHBORHOOD PARK**

5/20/10

ITEM	TOTAL	TOHHI	PRIVATE DONATIONS
GENERAL CONDITIONS	\$ 33,956	\$ 28,956	\$ 5,000
SITE WORK	\$ 177,813	\$ 169,813	\$ 8,000
VERTICAL CONSTRUCTION	\$ 103,500	\$ 103,500	
PROGRAM EQUIPMENT	\$ 336,100	\$ -	\$ 336,100
SPECIALTIES	\$ 12,938	\$ 10,438	\$ 2,500
ELECTRICAL	\$ 5,000	\$ 5,000	
DOCK AND RAMPS	\$ 317,106	\$ 317,106	
SUB TOTAL	\$ 986,412	\$ 629,812	\$ 356,600
CONTINGENCY	\$ 62,981	\$ 62,981	
GRAND TOTAL	\$ 1,049,394	\$ 692,794	\$ 356,600

APPENDIX B
2010 CONSTRUCTION COST ESTIMATE
ROWING/SAILING CENTER AND COMMUNITY PAVILION

20-May-10

ITEM	COMPONENTS	QNTY	UNIT	UNIT COST	TOTAL COST	TOHHI	PRIVATE DONATIONS
GENERAL							
	GENERAL CONDITIONS for CONSTRUCTION	6	MO	\$ 1,000	\$ 6,000	\$ 6,000	
	TEMP FACILITIES	1	LS	\$ 2,500	\$ 2,500	\$ 2,500	
	PSD 1 Sewer/Water Fees	1	LS	\$ 5,000	\$ 5,000	\$ 5,000	
	ENGINEERING - SITE CIVIL	1	LS	\$ 3,000	\$ 3,000	\$ 3,000	
	DOCK DESIGN and PERMIT	1	LS	\$ 9,000	\$ 9,000	\$ 9,000	
	ENVIRONMENTAL	1	LS	\$ 3,375	\$ 3,375	\$ 3,375	
	ARCHITECTURAL DESIGN	1	LS	\$ 5,000	\$ 5,000		\$ 5,000
	TOWN TOTAL +15%				\$ 33,956	\$ 28,956	\$ 5,000
SITE WORK							
	EXISTING DOCK/PILINGS Removal	1	LS	\$ 45,000	\$ 45,000	\$ 45,000	
	Debris Removal Site Clean Up	1	LS	\$ 16,500	\$ 16,500	\$ 16,500	
	GRADING	1600	SYDS	\$ 3	\$ 4,800	\$ 4,800	
	CRUSHER RUN & GRAVEL Parking	14400	SF	\$ 1	\$ 14,400	\$ 14,400	
	PAVING- Drive aisle	7200	SF	\$ 1	\$ 7,200	\$ 7,200	
	ENTRY GATE/FENCE	1	LS	\$ 3,000	\$ 3,000	\$ 3,000	
	WHEEL STOPS	32		\$ 60	\$ 1,920	\$ 1,920	
	SITE FURNISHINGS (PICNIC TABLES)	1	LS	\$ 3,950	\$ 3,950	\$ 3,950	
	GRASSING	20000	SF	\$ 0.25	\$ 5,000	\$ 5,000	
	TREES	1	LS	\$ 2,000	\$ 2,000	\$ 2,000	
	IRRIGATION	1	LS	\$ 5,000	\$ 5,000	\$ 5,000	
	SHRUBS	1	LS	\$ 7,500	\$ 7,500	\$ 7,500	
	SITE LIGHTING	5	EA	\$ 950	\$ 4,750	\$ 4,750	
	Post and Cable vehicular barrier	150	LF	\$ 10	\$ 1,500	\$ 1,500	
	WALKS-Parking to rest room/ramp	1500	SF	\$ 4	\$ 6,000	\$ 6,000	
	FENCED STORAGE 50x150 area	400	LF	\$ 20	\$ 8,000		\$ 8,000
	Water Meter	1	EA	\$ 600	\$ 600	\$ 600	
	WATER	500	LF	\$ 5	\$ 2,500	\$ 2,500	
	SEWER	400	LF	\$ 10	\$ 4,000	\$ 4,000	
	POWER BOX/METER	1	LS	\$ 3,000	\$ 3,000	\$ 3,000	
	TEL	1	LS	\$ 500	\$ 500	\$ 500	
	TOTAL +15%				\$ 177,813	\$ 169,813	\$ 8,000
VERTICAL CONSTRUCTION							
	RESTROOMS (15x20)	300	SF	\$ 150	\$ 45,000	\$ 45,000	
	COMMUNITY PAVILION (20x30)	600	SF	\$ 75	\$ 45,000	\$ 45,000	
	TOTAL +15%				\$ 103,500	\$ 103,500	\$ -
PROGRAM EQUIPMENT							
	COACH BOAT	1	EA	\$ 5,000	\$ 5,000		\$ 5,000
	SAFETY BOAT	1	EA	\$ 5,000	\$ 5,000		\$ 5,000
	SAILING DINGY	20	EA	\$ 6,000	\$ 120,000		\$ 120,000
	SAILING LASER	10	EA	\$ 5,000	\$ 50,000		\$ 50,000
	ROWING SHELLS	4	EA	\$ 10,000	\$ 40,000		\$ 40,000
	ROWING SHELLS 8+	2	EA	\$ 35,000	\$ 70,000		\$ 70,000
	SAFETY VEST, PADDLES, ETC	1	LS	\$ 2,000	\$ 2,000		\$ 2,000
	DINGHY STORAGE RACKS	1	LS	\$ 3,000	\$ 3,000		\$ 3,000
	LASER STORAGE RACKS	1	LS	\$ 3,000	\$ 3,000		\$ 3,000
	OPTI STORAGE RACK 3 HIGH	1	LS	\$ 3,000	\$ 3,000		\$ 3,000
	SHELL STORAGE RACKS	2	LS	\$ 3,000	\$ 6,000		\$ 6,000
	DOCK LIFT	1	LS	\$ 3,000	\$ 3,000		\$ 3,000
	CHANNEL MARKERS	6	EA	\$ 150	\$ 900		\$ 900
	OAR RACKS	4	EA	\$ 50	\$ 200		\$ 200
	OARS	40	EA	\$ 250	\$ 10,000		\$ 10,000
	SHELL TRAILER	1	EA	\$ 15,000	\$ 15,000		\$ 15,000
	TOTAL				\$ 336,100	\$ -	\$ 336,100
SPECIALTIES							
	SECURITY CAMERA	1	EA	\$ 3,750	\$ 3,750	\$ 3,750	
	FLAMMABLE STORAGE	1	LS	\$ 2,500	\$ 2,500		\$ 2,500
	SIGNAGE	1	LS	\$ 5,000	\$ 5,000	\$ 5,000	
	TOTAL +15%				\$ 12,938	\$ 10,438	\$ 2,500
ELECTRICAL							
	Power to Dock/Fenced Yard	1	LS	\$ 5,000	\$ 5,000		\$ 5,000
	TOTAL				\$ 5,000		\$ 5,000
DOCK AND RAMPS							
	DOCK DESIGN AND PERMITS	1.00	EA	\$ 9,000	\$ 9,000	\$ 9,000	
	DEMOLITION OF EXISTING DOCK - ALL	1.00	EA	\$ 45,000	\$ 45,000	\$ 45,000	
	PILINGS @ BOARDWALK, PIERHEAD, FLOATS	2417	LF	\$ 18	\$ 43,506	\$ 43,506	
	ELEVATED PIER BOARDWALK (8FT X 220FT)	1760	SF	\$ 27	\$ 47,520	\$ 47,520	
	PIERHEAD FRAME & DECKING (25 FT X 25 FT)	625	SF	\$ 30	\$ 18,750	\$ 18,750	
	PIERHEAD - GAZEBO ROOF (15x25)	300	SF	\$ 29	\$ 8,700	\$ 8,700	
	ALUMINUM GANGWAY (5FT X 80FT)	400	SF	\$ 48	\$ 19,200	\$ 19,200	
	UPGRADE HANDRAIL TO MEET 4" RULE / CODE	531	LF	\$ 14	\$ 7,434	\$ 7,434	
	FLOATING DOCKS - WOOD -	1720	SF	\$ 34	\$ 58,480	\$ 58,480	
	ELECTRICAL SYSTEM - 100AMPS - LIGHTS	1	EA	\$ 14,000	\$ 14,000	\$ 14,000	
	SUB TOTAL				\$ 271,590	\$ 271,590	
	ADD BOND FEE (1.5 %)				\$ 4,154	\$ 4,154	
	TOTAL				\$ 317,106	\$ 317,106	\$ -
	SUB TOTAL				\$ 986,412	\$ 629,812	\$ 356,600
CONTINGENCY	10% of TOWN PROJECTS				\$ 62,981	\$ 62,981	
				Sub Total	\$ 692,794	\$ 692,794	
	GRAND TOTAL				\$ 1,049,394	\$ 692,794	\$ 356,600

Appendix C
CRSC Original 2005 Construction and Operating Cost Estimate

DIVISION	ITEM			QNTY	UNIT	COST	EXT \$	
1	GENERAL							
	GENERAL CONDITIONS			9	MO	\$12,000.00	\$108,000	
	TEMP FACILITIES				LS		\$2,500	
	CLEAN UP				LS		\$5,500	
	AID TO CONSTRUCTION FEES							
	PSD 1				LS		\$15,000	
	ENGINEERING - SITE CIVIL				LS		\$20,000	
	ENGINEERING - BUILDING				LS		\$8,500	
	ENVIRONMENTAL		??					
	ARCHITECTURAL (CONSTRUCTION DOCS)				LS		\$20,000	
								\$179,500
2	SITE							
	SITE PREP				LS		\$9,500	
	EARTHWORK			1200	CY	\$18.00	\$21,600	
	UTILITY SERVICES							
	WATER			300	LF	\$7.00	\$2,100	
	SEWER			100	LF	\$7.50	\$750	
	POWER				LS		\$500	
	TEL				LS		\$500	
	PAVING			2500	SY	\$19.00	\$47,500	
	WALKS			600	SF	\$6.00	\$3,600	
	SITE IMPROVEMENTS							
	PICNIC				LS		\$10,000	
	PLAYGROUND				LS		\$5,000	
	FENCING			720	LF	\$20.00	\$14,400	
	DREDGING			0	CY	\$12.00	\$0	
	LANDSCAPING							
	GRASS			15000	SF	\$0.75	\$11,250	
	PLANTING				LS		\$10,000	
	IRRIGATION				LS		\$10,000	
	SITE LIGHTING			15	EA	\$950.00	\$14,250	
	BULKHEAD			350	CY	\$65.00	\$22,750	
								\$183,700
3	CONCRETE							
	SLABS & FOUNDATIONS			150	CY	\$250.00	\$37,500	
	APRON			8000	SF	\$3.00	\$24,000	
								\$61,500

Appendix C
CRSC Original 2005 Construction and Operating Cost Estimate

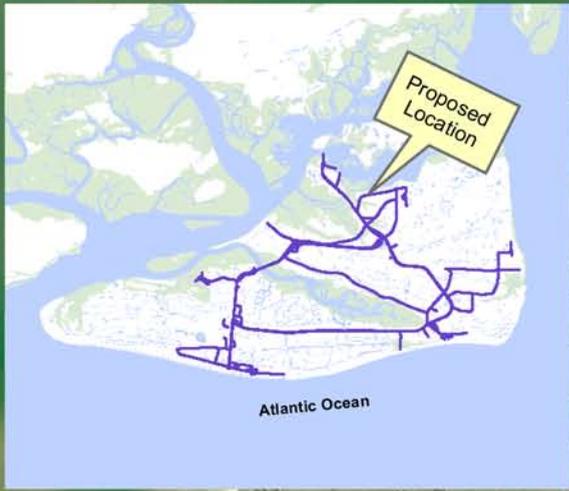
4	MASONRY							
		NA						
5	METALS							
		STRUCTURAL	NA					
		METAL FABRICATIONS			LS		\$1,500	
		RAILINGS		150	LF	\$45.00	\$6,750	
								\$8,250
6	WOOD							
		FRAMING						
		SHELL STORAGE		3000	SF	\$35.00	\$105,000	
		MEETING		4000	SF	\$45.00	\$180,000	
		FINISH WOODWORK			LS		\$28,000	
								\$313,000
7	MOISTURE PROTECTION							
		INSULATION		7000	SF	\$1.25	\$8,750	
		ROOFING		10000	SF	\$2.75	\$27,500	
		FLASHING			LS		\$1,200	
		SEALANTS			LS		\$1,000	
								\$38,450
8	DOORS AND WINDOWS							
		EXT GATE DOORS		4	PR	\$1,500.00	\$6,000	
		EXT. DOORS		10	PR	\$2,800.00	\$28,000	
		INT. DOORS		3	EA	\$250.00	\$750	
		WINDOWS						
		HARDWARE			LS		\$800	
								\$35,550
9	FINISHES							
		GYP BD		5000	SF	\$1.55	\$7,750	
		TILE		800	SF	\$9.50	\$7,600	
		CEILINGS		4000	SF	\$3.25	\$13,000	
		CARPET		1800	SF	\$3.00	\$5,400	
		VCT			LS		\$500	

Appendix C
CRSC Original 2005 Construction and Operating Cost Estimate

		CONC. STAIN				LS		\$1,000	
		PAINTING				LS		\$12,000.00	
									\$47,250
10	SPECIALTIES								
		TOILET/SHOWER COMP.			6	EA	\$1,100.00	\$6,600	
		FLAG POLE			1	EA	\$3,500.00	\$3,500	
		LOCKERS			30	LS	\$200.00	\$6,000	
		STORAGE SYSTEM						\$3,500	
		TOILET ACCESSORIES						\$1,000	
									\$20,600
11	EQUIPMENT								
		SHOP				LS		\$2,500	
		KITCHENETTE				LS		\$2,000	
									\$4,500
12	FURNISHINGS								
		OFFICE				LS		\$2,500	
		CHAIRS			50	EA	\$75.00	\$3,750	
		TABLES			4	EA	\$350.00	\$1,400	
		MISC				LS		\$1,200	
									\$8,850
13	SPECIAL CONSTRUCTION								
		RAMP			1100	SF	\$40.00	\$44,000	
		DOCKS			3200	SF	\$45.00	\$144,000	
									\$188,000
15	MECHANICAL								
		PLUMBING SYSTEMS			4000	SF	\$4.50	\$18,000	
		HVAC SYSTEMS			14	TN	\$2,500.00	\$35,000	
									\$53,000
16	ELECTRICAL								
					5500	SF	\$5.00	\$27,500	
									\$27,500
	SUB TOTAL							\$1,169,650	
	CONTINGENCY						10%	\$116,965	

Appendix C
CRSC Original 2005 Construction and Operating Cost Estimate

								\$1,286,615	
CONTRACTOR OH&P							18%	\$231,591	
		STATEMENT OF PROBABLE COST							\$1,518,206



Proposed Sailing and Rowing Center Location



SQUIRE POPE ROAD

WILLIAM HILTON PARKWAY

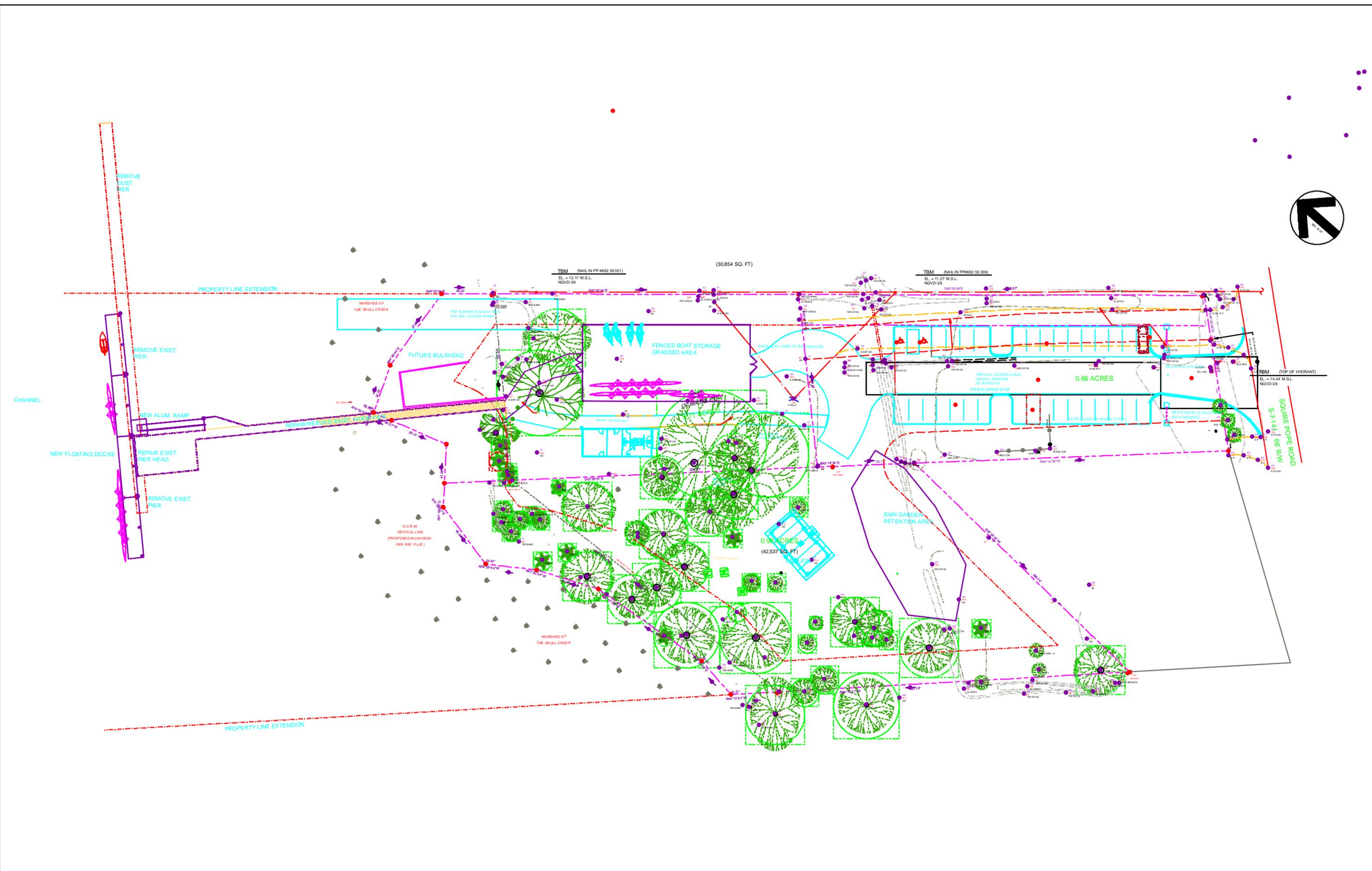
Town of Hilton Head Island
 Proposed Sailing and Rowing Center Location Map
 August, 2009

TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, S. C. 29928
 PHONE (843) 341-4400
 (Date Created: August 18, 2009)



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.

Photo: 1/2 Special Projects/Town Property/Sailing and Rowing Center/Sea Map/ map.mxd



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, Town Manager
VIA: Charles Cousins, Director
FROM: Jill Foster, Deputy Director
Bob Klein, Building Official
CC: Teri Lewis, LMO Official; Brian Hulbert, Staff Attorney
DATE July 22, 2010
SUBJECT: Town Council's Goal on Community Appearance Standards

Recommendation: Staff seeks direction on the approach described in this memo related to drafting a community appearance standards ordinance. Staff recommends the following:

- Town Council amends Municipal Code Title 9 (Health & Sanitation) to revise the definition of "public nuisance" and add new language to include specific sections of the International Property Maintenance Code that capture the concerns of Council. These additions would regulate the minimum conditions and responsibilities of persons for maintaining the aesthetics of a structure, equipment and exterior property, whether inhabited or uninhabited, safe or unsafe.

The Planning and Development Standards Committee met on June 23rd and moved to send this memo to Town Council with some modifications. Their direction on each issue is noted in each section of this memo.

Summary:

At its 2009 annual workshop, Town Council discussed the lack of maintenance to existing non-single family development and the negative impact this can have on the community. Some of the items discussed were commercial buildings in disrepair, parking lots and driveways with pot holes, tattered awnings and buildings needed to be painted. This discussion also included thoughts on limiting such a role by the Town to the most visible areas on the Town. In January 2010, Town Council adopted a goal "*Commercial Appearance-- Town Role and Direction*" as part of their Policy Agenda for 2010: Targets for Action.

The International Codes Council, which publishes the Building Codes series, has a separate International Property Maintenance Code specifically for maintaining buildings and property. This code covers a broad set of issues from the condition of a building to motor vehicles on the site to drainage to weeds and insect screens. While many communities adopt the entire International Property Maintenance Code, Staff believes this Code goes much further than the Council desires based on their comments at their workshop. The Town Attorney believes that adopting a portion of this code is an advisable alternative.

As such an alternative, Staff believes revisions to Title 9 (Health and Sanitation) of the Municipal Code to include new language on *Maintenance and Aesthetics* is an avenue that should be pursued. These additions would focus on the specific items the Town Council wants to address and could apply to all land uses within the Town except single family and manufactured homes. Staff suggests the follow 3 areas for focus in these changes:

- exterior of buildings (selective items focusing on the aesthetics of the building and not its safety, which is currently regulated through other codes. Examples to be regulated could be deteriorating stucco, roofs, gutters, awnings, decorative features, chimneys & towers, handrails & guards);
- equipment located on the exterior of the building (propane tanks, HVAC systems); and
- property areas (eroded grading; hazardous drainage, sidewalks, driveways, drive aisles, parking spaces, streets & access easements; weeds; and deteriorating accessory structures such as fences & walls).

Staff also suggested to the Planning and Development Standards Committee an amendment to Chapter 8 (*Violation and Enforcement*) of the Land Management Ordinance to assist in addressing Town Council's concerns over community appearance standards. *However, the Committee requested we remove this recommendation.*

Background:

Existing Town laws used for limited enforcement of maintenance issues

Title 9, Chapter 1: Public Nuisance. This section requires a situation to fit the current definition of a 'public nuisance' before it can be enforced. This definition, for the large part, addresses unsanitary, unsightly and unsafe conditions. It regulates all premises within the Town, whether vacant, occupied or improved. However, conditions which are strictly aesthetic in nature would not be enforceable under this chapter as currently written. The definition of 'public nuisance' should be revised to ensure those maintenance and aesthetic standards desired by Council are captured.

Title 9, Chapter 8: Uninhabited, Unsafe Buildings/Structures. This chapter revolves around *unsafe and uninhabited* conditions. It cannot be used for enforcement if the site or building is safe and inhabited and only considered 'unsightly' or 'in need of maintenance.' This section is also quite lengthy in timeframe and would result in the situation being unresolved for several months.

Title 15: Building Codes. These codes deal with construction of a site, equipment, and building, and with existing unsafe, hazardous or dangerous buildings and equipment. Our adopted building codes do not address maintenance of *safe, inhabited* buildings or sites.

It is Staff's intention to fill the 'gap' left from these ordinances by providing code that will regulate the maintenance and aesthetics of safe, inhabited structures, property and exterior equipment.

What other communities are doing

The International Property Maintenance Code is used in many communities to address the appearance and maintenance of private development and to address safe, inhabited buildings and property. This Code is an elective Code from the International Codes Council and can be adopted in addition to other Building Codes. The Cities of Myrtle Beach, Greenville and Beaufort have adopted the complete International Property Maintenance Code covering all residential and nonresidential structures and include enforcement actions involving tickets and placing liens on the property if the City has to abate the situation. Ann Arbor, Michigan has adopted only certain sections of the International Property Maintenance Code to regulate only existing and future residential rental structures. Enforcement procedures include tickets and injunctions, with liens on the property during abatement situations. The Town of Bluffton has created its own limited property maintenance code to regulate only unsafe/uninhabited buildings, with tickets and liens as enforcement mechanisms. Charlotte, North Carolina has created its own property maintenance code for all non-residential structures, vacant or inhabited, with tickets and liens on the property as enforcement tools. Beaufort County does not appear to have any type of maintenance code.

Adopt regulations for non-single family uses only

Town Council's discussion at their workshop appeared to suggest their wish to regulate the appearance and maintenance of all land uses except single family and manufactured homes. Therefore, Staff discussed with the Town Attorney regulating all land uses except for single family and manufactured homes. He advised that such a limitation could be done.

The Planning and Development Standards Committee recommends to Town Council to regulate non-residential and multi-family land uses and to exempt single family and manufactured homes from a community appearance standards ordinance.

Adopt part or all of the International Property Maintenance Code

The International Property Maintenance Code regulates the “*minimum conditions and the responsibilities of persons for maintenance of structure, equipment and exterior property.*” This Code is used to address sanitation, grading and drainage, sidewalks and driveways, weeds, exhaust vents, accessory structures, motor vehicles, and defacement of property, exterior walls, roofs and drainage, decorative features, stairways, decks, porches, chimneys, handrails, glazing, insect screens, and building security features.

As you can see, this Code covers a great deal more than what Town Council discussed at their workshop. Staff does not believe that Council had a desire to regulate items such as window glazing. Further the enforcement of this Code in other communities has lead to the governing authority becoming involved in disputes between renters and landlords. Thus Staff investigated the potential to adopt just a portion of this Code. The Town Attorney advised Staff that it would not be problematic to adopt just a portion of this Code. Attached is a chapter from the *International Property Maintenance Code* indicating situations that could be regulated.

The Planning and Development Standards Committee recommends to Town Council to regulate the following if the violation is considered to be 'excessive:'

- *grading to prevent erosion and accumulation of water*
- *condition of sidewalks, driveways, drive aisles, parking spaces, streets, & access easements*
- *accessory structures such as fences and walls*
- *deteriorating roofs & drainage, overhang extensions, decks, porches, floors, balconies, towers, handrails, guards, awnings, stairs, chimneys; rotting masonry or siding joints; loose cornices, trim, veneer or other decorative features. The Committee requests that these features be regulated from an aesthetic perspective in the proposed ordinance, not from an unsafe perspective. Existing codes already regulate unsafe conditions.*
- *equipment such as outside heating/air equipment, electrical wiring or devices, flammable liquid containers or other equipment on the premises*
- *some protective treatment (unpainted surfaces; cracking surface materials; rusting metal surfaces)*
- *restoration of any exterior surface destroyed or damaged with graffiti, carving or other markings*

Adopt regulations over part of the Island or over its entirety

Staff recommends placing regulations over the entire Island by amending Title 9 (Health & Sanitation) of the Municipal Code. This Title covers the entire jurisdictional boundary of the Town and includes chapters on public nuisance; garbage and trash; and uninhabited, unsafe buildings/structures. Additions to this Title could include new language on *Maintenance and Aesthetics* and would specify parts of a property maintenance code that capture the concerns of Council. Staff recommends amending this Title, as enforcement of this Title is more equitable and better distributed throughout the Island (as opposed to using specific zoning districts or the corridor overlay district which leave enforcement gaps in areas of similar land uses as their neighbors).

The Planning and Development Standards Committee recommends to Town Council to regulate community appearance standards island-wide.

Enforcement Issues

Upon consultation with the Town Attorney, Staff recommends the Municipal Code be revised to provide more enforcement mechanisms. If these recommended changes are made by Town Council, the Municipal Code and the Land Management Ordinance would have the same enforcement mechanisms.

1. **Issue tickets.** This is a commonly used method by the Town and other municipalities. It is considered a misdemeanor which is tried as a criminal matter with a higher burden of proof ('beyond a reasonable doubt') as opposed to using civil remedies which require a lower standard of proof ('more likely than not'). Drawbacks to this method are misdemeanors may be entitled to jury trials, thus taking more time and cost to try, and we are still faced with meeting the higher burden of proof.
2. **Withholding any approvals or permits.** This would most likely apply to phased projects where part of a development is completed but other work has ceased, resulting in deterioration of any unfinished structures. Additional building applications on the site could be withheld until the unfinished work is completed. A drawback to this method is that the entire project could take longer to complete, and it addresses only those projects with active permits. This method is not applicable to strictly a maintenance situation in an existing development. A revocation of a certificate of occupancy would be an enforcement method for an existing development.
3. **Issuance of stop work orders against any work undertaken without proper approval or permit or in violation of the Code.** This ensures that the work to be done is reviewed for code compliance. See #2 above for similar situations and drawbacks.
4. **Bringing an action for an injunction to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation.** For those violations which are truly dangerous and unsafe, such immediate and drastic action as seeking an injunction is appropriate if an owner refuses to take action. Injunctive relief, while requiring the filing of a civil summons and complaint, allows fairly quick access to a trial court.
5. **Bring an action for injunction or mandamus to abate a violation.** Similar issue as described in #4 above.

As always these methods are a matter of degree. A ticket and a fine may be appropriate for a case of a torn awning. However, an injunction is appropriate when faced with an extremely unsightly appearance, where tickets and other enforcement mechanisms are unsuccessful in achieving the desired result.

Also, if the Town decides to abate the nuisance because the property owner refuses, our Code allows us to place a lien on the property. However, the Town might not see any monetary return on its action for a lengthy timeframe. Also, in an abatement situation, the Town would need to determine of which situations

they would abate with staff time and effort and taxpayer's money. For example, the Town could choose to not abate a situation involving torn awnings, but could choose to abate a situation such as a road full of potholes.

The Planning and Development Standards Committee recommends to Town Council to regulate the proposed standards in 'excessive' situations that are visible from the outside of the building only.

Adoption Schedule

Town Council approval of Memo	8-3
Planning & Development Standard Committee review of Ordinance	8-25
Committee briefing at Town Council	9-7
Ordinance first reading	9-21
Ordinance second reading	10-5

The attached is *Chapter 3 General Requirements* from the *2009 International Property Maintenance Code*. This chapter concentrates on the exterior of a building and the property area. Other chapters of the *2009 International Property Maintenance Code* cover administrative regulations and the interior of the building, which Council has indicated they wish not to regulate, so those chapters were not reproduced.

The Planning and Development Standards Committee requested a copy of this so they could better understand what types of situations could be regulated. It is Staff's intent to use only some of these sections in the Town's Community Appearance Standards Amendments, as directed by Town Council. A draft of a Town ordinance is anticipated to be ready for review in August.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure

shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be

kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16

mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *Inter-*

national Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved method*.
2. Demolition of unsafe conditions shall be permitted when *approved by the code official*.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

**SECTION 306
COMPONENT SERVICEABILITY**

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*;
 - 2.2. *Ultimate deformation*;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. *Ultimate deformation*;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*;
 - 4.2. *Ultimate deformation*;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*;
 - 5.2. Elastic deformation;
 - 5.3. *Ultimate deformation*;
 - 5.4. Metal fatigue; or
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. *Ultimate deformation*;
 - 6.2. *Deterioration*;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. *Detached*, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than

30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. All *exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309 PEST ELIMINATION

309.1 Infestation. All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the *premises*.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for

GENERAL REQUIREMENTS

extermination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for extermination.

309.5 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for extermination.



Missing Stairway



Deteriorating Column Base



Deteriorating Exterior Wall



Deteriorating Exterior Wall



Drive Aisle Pothole



Drive Aisle Pothole



Hole in Eave Overhang



Missing Siding



Moldy Exterior Wall



Moldy Exterior Wall & Hole in Eave Overhang



Sidewalk Sinkhole



Sidewalk Sinkhole



Unpainted Arbor



Unpainted Exterior Wall

MEMORANDUM

TO: Town Council

FROM: Thomas D. Peeples, Mayor

RE: Proposed Resolution Granting up to One Million Dollars to the Heritage Classic Foundation in Order to assist the Foundation in meeting its Obligation to the PGA to Secure the Heritage Golf Tournament for 2011

DATE: July 23, 2010

CC: Stephen G. Riley, C.M., Town Manager
Gregory D. DeLoach, Esq., Assistant Town Manager

Consideration: That Town Council adopt the proposed Resolution granting up to One Million Dollars to the Heritage Classic Foundation in order to assist the Foundation in meeting its obligation to the PGA to secure the Heritage Golf Tournament for 2011.

Summary: This proposed Resolution commits the Town of Hilton Head Island to grant up to One Million Dollars from its General Reserve Account to the Heritage Classic Foundation so that the Foundation may meet its obligations to the PGA to secure the Heritage Golf Tournament for 2011.

Background: The 2010 tournament was the last for Verizon as title sponsor. The Heritage Classic Foundation is currently seeking a title sponsor and other public/private funding support scenarios in order to meet its obligations to the PGA. Town Council adopted as one of its 2010 Top Priority Policy Agenda items the promotion of the Heritage Golf Tournament. The Tournament not only increases tourism and provides substantial benefits to the local economy, the success of the Heritage Golf Tournament has enabled the Heritage Classic Foundation to make donations to worthy local not-for-profit organizations totaling close to Twenty Million Dollars. In order for the Heritage Classic Foundation to meet its obligation to the PGA to secure the Heritage Golf Tournament in 2011, the Foundation has requested the Town consider granting up to One Million Dollars from the Town's General Reserve Account.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, GRANTING UP TO ONE MILLION DOLLARS TO THE HERITAGE CLASSIC FOUNDATION IN ORDER TO ASSIST THE FOUNDATION IN MEETING ITS OBLIGATION TO THE PGA TO SECURE THE HERITAGE GOLF TOURNAMENT FOR 2011

WHEREAS, Hilton Head Island has hosted a Professional Golf Association (PGA) event, generally known as the “Heritage Golf Tournament” each year since 1969; and

WHEREAS, the Heritage Golf Tournament is a major tourist draw to Hilton Head Island, bringing many thousands of tourists from locations across the United States and international locations; and

WHEREAS, the viability of the Heritage Golf Tournament benefits local businesses, adds a world class amenity for Island residents, is enthusiastically supported by over a thousand local volunteers and serves as a source of pride for our community; and

WHEREAS, the Heritage Golf Tournament achieves a nationwide and world wide audience through television broadcasts on network and cable television channels, newspaper, magazine and other print media reporting of the Heritage Golf Tournament; and

WHEREAS, the Town Council of the Town of Hilton Head Island recognizes that the “Heritage Classic Foundation” is currently seeking a title sponsor, and other public/private funding support scenarios in order to meet its obligations to the PGA to secure the 2011 Heritage Golf Tournament; and

WHEREAS, the Heritage Golf Tournament, through the generation of tourism that is related to the tournament and otherwise, provides economic benefits to the local and state economy in an amount in excess of Eighty One Million Dollars; and

WHEREAS, local government reaps over Four Million Dollars in net revenue from the event, while the state reaps over Eight Million Dollars, as found by the University of South Carolina Beaufort’s Hospitality Management Department and Clemson University’s International Institute for Tourism Research and Development Impact Study published in 2010; and

WHEREAS, in addition to increasing tourism and providing substantial benefits to the local economy as set forth above, the success of the Heritage Golf Tournament has enabled the Heritage Classic Foundation to make donations to worthy local not-for-profit organizations totaling close to Twenty Million Dollars; and

WHEREAS, the Town Council for the Town of Hilton Head Island, South Carolina, finds that it is in the best interests of the Town and its citizens, residents and guests to grant up to One Million Dollars from its General Reserve Account to the Heritage Classic Foundation so that the Foundation may meet its obligations to the PGA to secure the Heritage Golf Tournament for 2011.

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 of the Town of Hilton Head Island commits up to One Million Dollars to the Heritage Classic Foundation in order to assist the Foundation in meeting its obligation to the PGA to secure the Heritage Golf Tournament for 2011.

MOVED, APPROVED, AND ADOPTED ON THIS ___ DAY OF AUGUST, 2010.

Thomas D. Peoples, Mayor

ATTEST:

By: _____
Betsy R. Mosteller, C.M.C, Town Clerk

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

MEMORANDUM

TO: Town Council

FROM: Steve Riley, CM, Town Manager

Cc: Scott Liggett, PE, Director of Public Projects and Facilities / Chief Engineer

DATE: July 23, 2010

RE: **Stormwater Utility – Consideration for Fee Adjustment**

Recommendation:

Staff recommends the Mayor and Council endorse a Stormwater Utility Fee of \$108.70/per year per SFU. The proposed Consolidated Municipal Budget for Fiscal Year 2011 necessitates an increase in the Stormwater Utility Fee to \$108.70 in order for proposed revenues to match proposed expenditures.

The attached letter, via the Mayor's signature, will serve as our directive to the County for setting the rate for the Storm Water Utility billing as part of the tax bills that are sent out late each fall.

Summary

The increase from \$83.23 to \$108.70 is necessitated primarily by the execution of service agreements with various Planned Unit Developments (PUDs) in FY 2009 plus additional similar service agreements executed in FY 2010 which has effectively expanded the system over which the Town is responsible. During the course of the last 12 months, a service agreement has been executed with Indigo Run and an agreement is pending with Palmetto Hall. Additional future fee increases may be required in order to support the out-years demands, presuming additional service agreements will be executed and that we strive to maintain our current level of service. Today it is difficult to state what the increases will be with any degree of reliability as the number of variables is considerable. The amount of the increase will be dependent on the amount of additional infrastructure the Town takes on, the level of service the Town is willing to provide and the amount of emergency work that arises.

Moreover, the \$108.70 fee is required to support additional indebtedness (bond issue or bond anticipation notes) estimated to total \$7 million dollars. This additional indebtedness is necessary to:

- Support current level of service for the maintenance of the Town's stormwater system, including a limited expansion in the areas of service.
- Complete current projects, including Miller's Pond and Arrow Road.
- Pursue other future projects in the Gumtree Road and Point Comfort Road Areas.
- Secure needed professional consulting services.
- Support the inter-fund borrowing strategy employed during FY 09 and FY 10 for the purpose of funding operation, maintenance and emergency repairs.
- Support maintenance and emergency repairs of road drainage systems no longer maintained to an acceptable level of service by SCDOT and Beaufort County.

- Support needs for potential pond dredging operations, including consulting, permitting, and construction.

Background

For fiscal year 2010, the fee had been established to cover the combined total of Debt Service \$1,244,938; the 5% Storm Water Utility Administrative costs \$136,895; the Town's Annual Drainage System Rehabilitation; Maintenance and Monitoring Program, Credits, Education and NPDES II Compliance (\$1,356,101). The cost of these items totals \$2,737,934. That total divided by the former number of SFU's (32,896) resulted in the \$83.23 / SFU fee.

More recently, and at the invitation of Council, several of the PUD's have executed agreements with the Town that create additional responsibilities and costs for the Town. The project oriented, annual, short term (3-5 year) requirements for each of the communities represented by the referenced agreements is approximately \$200,000 - \$300,000. Additional agreements and even greater responsibility are expected, including the potential dredging of lagoons which could be extremely expensive.

As was stated above, increasing the fee to \$108.70 will cover the expenses of the program for one year, and additional increases may be required thereafter.

cc: Scott Liggett

August _ , 2010

Mr. Wm. Weston J. Newton
Chairman
Beaufort County Council
P. O Drawer 1228
Beaufort, SC 29901

Dear Weston,

In accordance with Article 7.04 (b) of our ten (10) year STORMWATER MANAGEMENT AND UTILITY AGREEMENT, Council consents to the following **Amendments to Fees**:

The FY 2010 Stormwater Utility fee for the Hilton Head Island District shall be \$108.70. The fee is established to cover the combined total of Debt Service (\$1,754,670); plus 5% Storm Water Utility Administrative costs (\$178,790) and the Town's Annual Drainage System Rehabilitation, Maintenance, Monitoring, Credits, Education and NPDES II Compliance (\$1,642,335) which totals \$3,575,795. That total divided by 32,896 SFU's equals the \$108.70 / SFU.

The next fiscal year's rate structure was derived per the language of our existing Agreement, to wit: "The Stormwater Utility User Fees shall be in accordance with the County Wide Stormwater Management Study and the Cost of Services Analysis and Rate Study required in Article 4, S.C. Code Ann. 48-14-120©(Supp.2000), and S.C. Regs. 72-310(G) (Supp.2000), or any other applicable law or regulation, and shall not include provisions for relief from payments of the Stormwater Utility User Fees."

Council continues to endorse the Stormwater Utility and appreciates the long and arduous hours that have been dedicated by the Stormwater Utility Management Board, the County and Municipal staffs, and concerned citizens.

Sincerely,

Thomas D. Peeples
Mayor

cc: Hilton Head Island Town Council
Beaufort County Council
Gary Kubic, County Administrator