



The Town of Hilton Head Island Intergovernmental Relations Committee Regular Meeting

**Tuesday, December 20, 2011
2:30 p.m. – Conference Room 3**

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting

- 1. Call to Order**
- 2. Freedom of Information Act 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.
- 3. Approval of Minutes**
 - a. Special Intergovernmental Relations Committee Meeting of September 28, 2011
- 4. Chairman's Report**
- 5. Unfinished Business**
None
- 6. New Business**
 - a. Recap of 2011 General Assembly Session
 - b. General Review of Potential Bills
- 7. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
INTERGOVERNMENTAL RELATIONS COMMITTEE

Minutes of the Wednesday, September 28, 2011
Special Meeting

Members Present: George Williams, *Chairman*; Lee Edwards, *Council Member*; Ken Heitzke, *Council Member*

Members Absent: None

Others Present: Bill Harkins, Bill Ferguson, and Kim Likins, *Council Members*; Will Roberts, *S.C. Budget & Control Board, Office of Research & Statistics*; Joe Croley, *Hilton Head Area Association of Realtors*; Perry White, *Beach City Road resident*; David White, and numerous residents of the community.

Staff Present: Steve Riley, *Town Manager*; Brian Hulbert, Esq., *Staff Attorney*; Rich Hamilton, *GIS Administrator*; Shawn Colin, *Comprehensive Planning Manager*; Marcy Benson, *Senior Grants Administrator, Community Development Department*; Tom Fultz, *Director of Administrative Services*; Vicki Pfannenschmidt, *Executive Assistant*

Media Present: None

1. Call to Order

The meeting was called to order at 5:30 p.m.

2. Freedom of Information Act 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.

3. Approval of Minutes

July 11, 2011 Special Meeting

Mr. Heitzke moved to approve and Mr. Edwards seconded. The motion was approved by a vote of 3-0.

4. Chairman's Report

Chairman Williams explained the procedures for the meeting and encouraged participation.

5. Unfinished Business

a. Proposed Redistricting Plans

Chairman Williams invited Marcy Benson, Senior Grants Administrator, to address the Committee. Ms. Benson explained that the original packet for the meeting had a proposed resolution included for Committee recommendation to Town Council. She noted that there should have been a proposed ordinance for each Plan. Examples of proposed ordinances needed for Plan Option 1 or Plan Option 2 were distributed to each Committee member, staff, media, Town Council members in attendance, and copies were placed on the back table for the public.

Ms. Benson indicated that Town Staff is recommending that the Intergovernmental Relations Committee review the attached proposals for redistricting and make a recommendation of one of these plans for Town Council to review and ultimately approve to be sent to the Department of Justice for approval. She noted the Committee meeting in July when the criteria for developing the redistricting plans was recommended, as well as the subsequent Town Council meeting of August 2 where the criteria was adopted. Town Staff developed the two plans based on the criteria. Ms. Benson reviewed the population change in the 2010 Census and explained the need to reach the target population of 6,183 in each Ward. She explained both Plan One and Plan Two, noting the main difference being that the existing Ward 1 Black population is 22.48%, and in Plan One this would increase to 26.43% versus 26.28% for Plan Two. Both proposed Plans meet the criteria and are within the deviation percentage set by the State and also the Department of Justice.

At Chairman Williams' request, the two Plans were presented on the overhead screens for the audience to review and Ms. Benson reviewed the criteria suggested by Bobby Bowers from the Office of Research and Statistics for the South Carolina Budget and Control Board. She noted the challenge faced in balancing the census block data with the population and configuration for the Wards, as outlined in the Federal guidelines, keeping in mind that census blocks cannot be split.

In response to Mr. Edwards' inquiry as to whether the census blocks had ever changed, Ms. Benson responded that she had never seen that happen, as these were created based on natural boundaries or barriers, such as roads, creeks, and waters. Steve Riley, Town Manager, noted the frustration this issue has caused and will continue to cause.

Will Roberts, representing the Office of Research and Statistics for the South Carolina Budget and Control Board, was introduced to the Committee and offered further explanation of the census blocks and the Block Boundary Suggestion Program for which his office offers guidance to the Census Bureau. He explained that most of the features they look for are new roads, new railroads, power lines, and other physical boundaries. He outlined previous attempts to adjust the census blocks, with limited success. Mr. Roberts explained that only voter tabulation districts or precinct boundaries are recognized and accepted.

Rich Hamilton, GIS Administrator, noted that the 2000 Census Blocks did not conform well at all to our PUD boundaries, and he had made that known to the Census Bureau. Although the census blocks for 2010 conform better to the PUD boundaries, there are remaining unresolved issues.

Chairman Williams asked for public comments.

Tom Barnwell, Jr. appeared and asked for clarification on the lines dividing various Wards, and identification of PUD boundaries. Ms. Benson detailed the basic boundaries for Plans One and Two, and the boundary differences between the two Plans.

Perry White, who had appeared before the Committee in July, indicated he still had concerns about why Ward 1 could not be extended across Dillon Road to include the Baygall/Mitchelville area based on the community and commonality of interests, in keeping with the directives of the Voting Rights Act of 1965, rather than including those areas into Port Royal and Palmetto Hall.

In response, Mr. Edwards indicated it was his understanding that the census block restriction was the primary reason for the Ward 1 configuration. Chairman Williams also pointed out that both Plans being considered are improvements over the existing Plan. Mr. Riley noted that Mr. White's concerns had been previously addressed and the census block issue made it almost impossible to move those areas into Ward 1. He further noted that doing so would actually have a detrimental effect on the racial makeup of that district.

Mr. Hamilton demonstrated the software used to develop the plans, utilizing the census blocks and the road centerlines, being some of the physical features used to create these blocks. He specifically pointed out the Baygall/Mitchelville area that is within one large census block of 520 people that cannot be split and must be taken in its entirety into one Ward or another. Including this block in Ward 1 would result in a drop of the overall Black percentage. In addition, because of the number of people in this block, to keep Ward 1 balanced would require taking out a similar number, and probably result in further detriment to the overall minority percentage in Ward 1.

Mr. Roberts explained that in regards to the 1965 Voting Rights Act, the Justice Department was looking strictly at the minority makeup of districts – not communities of interest. He noted that according to Plan One, Ward 1 would have a minority percentage at 26.43%. He reminded the Committee that the U.S. Justice Department will send back any Plans submitted that do not meet the criteria – specifically the first three items which take precedence over the others. Moving this block into Ward 1 would destroy the contiguity between Ward 6, which is the third item of the criteria. Although Ward 1 is not a majority district, based on the history of the district and the election results, the Justice Department will want to maintain that district above the benchmark level or retro-regression may occur. Mr. Roberts explained the two kinds of retro-regression – policy retro-regression where the Council decided to intentionally diminish a minority’s opportunity to elect candidates of their choice by dropping the minority percentage below the benchmark level. The second being natural retro-regression due to a high population growth, which is not the case in Hilton Head Island.

Mr. Riley indicated that the primary criteria used for the Plans was maximizing the Black population in Ward 1 with all other concerns, including keeping PUD’s together, being secondary,

David White appeared before the Committee and noted that Beaufort County had agreed on their Plan Four Redistricting Plan to be submitted to the Justice Department. He suggested there may be some basic parallels and learning opportunities as it related to Hilton Head Island and the issue of maximizing minority participation.

Mr. Roberts confirmed Chairman Williams’ understanding that the Voting Rights Act specifically addressed Blacks and did not apply to the Hispanic and Asian populations. He pointed out that the U.S. Justice Department in the Federal Register had outlined the racial makeup they would be looking at in the redistricting plans. In that process the Hispanic population is separated out from the Black population. He noted that some of the numbers on the Plans are labeled “NH Black” – for the Non-Hispanic Black population. This was done because of the way the Justice Department is going to review proposed Plans, the numbers, and look at the benchmark.

Mr. Perry thanked the Committee for the explanations and questioned if a body of water could be considered contiguous. Mr. Roberts explained that water does not destroy contiguity and can be used if it is a compact district or to reach across water to pick up population on the other side to protect minorities in the district. However, in the redistricting process, water cannot be used to shoestring out, as the Justice Department will look at the compactness of the districts. Mr. Riley noted that although Ward 6 extends across Broad Creek, this cannot be accomplished along the lengthy Port Royal Sound frontage with the census block and contiguity issues. He further noted that Beaufort County had a greater flexibility in meeting numbers and their Plan had no relation to the two Plans being presented. He stressed that all the questions presented and more had already been asked and considered by Town Staff, with dozens of iterations generated. Given the Federal and State guidelines, the physical layout, and the block boundaries, the two Plans presented were the best.

Chairman Williams and Mr. Hamilton discussed the scenarios of moving the census block containing Baygall/Mitchelville into Ward 1. Mr. Hamilton indicated that had been attempted on numerous iterations, but all resulted in the Black percentage in Ward 1 dropping to unacceptable levels. Chairman Williams did note that a comparison of the existing Plan with either of the proposed Plan shows some improvement over 2000.

Mr. Edwards indicated he had discussed the Plans with Mr. Ferguson and Ms. Likins, with their three Wards being the ones most affected. It was his understanding that Plan Option Two would be their preference.

Mr. Edwards moved to recommend to Town Council that they consider approval of Redistricting Plan Option Two and Mr. Heitzke seconded. The motion was approved by a vote of 3-0.

6. New Business

a. Proposed 2012 Intergovernmental Relations Committee Meeting Dates

Mr. Heitzke moved to approve and Mr. Edwards seconded. The motion was approved by a vote of 3-0.

7. Adjournment

At 6:28 p.m. Mr. Heitzke moved to adjourn and Mr. Edwards seconded. The motion was approved by a vote of 3-0.

Approved:

George Williams, Chairman

Respectfully submitted:

Lynn W. Buchman
Administrative Assistant

MEMORANDUM

TO: Town Council Intergovernmental Relations Committee Members
Remaining Town Council Members
Stephen G. Riley, C.M., Town Manager
Executive Steering Committee Members
Remaining Senior Staff

FROM: Gregory D. DeLoach, Esq., Assistant Town Manager

RE: 2011 State Legislative Session Synopsis/Report

DATE: July 1, 2011

CC: Faidra T. Smith, CLA, Administration Manager/Public Information Coordinator
Jerry Stewart, Chairman, Beaufort County Public Safety Committee/Legislative Affairs
Sue Rainey, Staff Support, Beaufort County Public Safety Committee/Legislative Affairs

Please find attached a synopsis of each bill that the Town considered during the 2011 South Carolina General Assembly Legislative Session. The Town sent approximately 8 letters of opposition or support regarding priority legislation to various House/Senate Members, Committees and the Beaufort County Legislative Delegation. Additionally, over 175 copies of these letters were distributed to appropriate General Assembly Members, MASC Staff Members, and other interested parties. In addition, several phone calls and e-mails were made to Beaufort County Legislative Delegation Members. The Mayor, Town Manager, Mr. Williams, and myself met with or spoke to our legislative delegation from time to time and worked in conjunction with staff members of the Municipal Association of South Carolina.

The 2011 South Carolina General Assembly Session was the first year of a two-year session, so any bill that did not pass will be carried over for the 2012 General Assembly Session. The General Assembly spent most of this year's session on budgetary issues, redistricting, and the Point of Sale Bill.

Even though the 10 percent cut (estimated \$79,000 cut to the Town) in the Local Government Fund was approved, we were persistent in our opposition to the cut and its negative effect on local governments. Another bill of interest to the Town was H. 3003, (signed by the Governor on May 8, 2011) which addresses only photo ID requirements and does not impact absentee voting in anyway and H. 3713, Point of Sale Bill, (signed by the Governor on June 14, 2011) applies to six percent property only and to ATI's that occur on or after January 1, 2011.

Whether through personal contact with our legislative delegation or correspondence, the Town's positions were timely made. If you would like a copy of any of the following bills/legislation, please feel free to contact Faidra Smith at 341-4640.

2011 State Legislative Session Synopsis/Report

BILL NO.	DESCRIPTION	TOWN POSITION	TOWN ACTION	STATUS AT THE END OF YEAR #1 OUT OF A 2-YEAR SESSION
H. 3003- Sponsored by Herbkersman, Erickson, & Patrick	Election Issues-Photo ID/no provisions relating to absentee voting	No official position taken/bill of interest	Monitored	Signed by Governor on May 8, 2011/Act No. 27
H. 3015	Smoking Ban-extends prohibition to restaurants, bars, lounge areas, & recreational facilities	Monitor	Monitored	Remains in House Judiciary Committee
H. 3022	Smoking Ban-extends prohibition to restaurants, bars, lounge areas, & recreational facilities	Monitor	Monitored	Remains in House Judiciary Committee
H. 3033	Smoking Ban-extends prohibition to restaurants, bars, lounge areas, & recreational facilities	Monitor	Monitored	Remains in House Judiciary Committee
H. 3067- Sponsored by Patrick	S.C. Truth in Spending Act-post online expenditures	Monitor	Monitored	Remains in House Ways & Means Committee
H. 3095- Sponsored by Erickson	Transfer Fee Covenants	No official position taken/bill of interest	Monitored for Committee Member	Senate read a second time/requires a 3 rd reading to pass
H. 3109	Smoking Ban-prohibits smoking in all indoor places and includes electronic cigarettes/exempts private clubs	Monitor	Monitored	Remains in the House Judiciary Committee

Note: The 2011 General Assembly Session ended the first year of a two-year session. Bills that did not pass will be carried over for the 2012 General Assembly Session.

BCLD=Beaufort County Legislative Delegation

BILL NO.	DESCRIPTION	TOWN POSITION	TOWN ACTION	STATUS AT THE END OF YEAR #1 OUT OF A 2-YEAR SESSION
H. 3247- Sponsored by Herbkersman, Erickson, and Patrick)	Annexation	Monitor	Monitored	Remains in the House Judiciary Committee
H. 3516	Local Government Fund Cut	Oppose	Sent 3 opposition letters.	A 10 percent cut (estimated \$79,000 to the Town) in the Local Government Fund was approved with the State Appropriations Bill
H. 3587	Dredging Canals-permits and exemptions	Monitor	Monitored	Signed by Governor on June 7, 2011/Act No. 41
H. 3713- Sponsored by Herbkersman, Erickson, & Patrick)	Point of Sale	Monitor	Monitored	Signed by the Governor on June 14, 2011/Act No. 57
H. 3788 (Introduced by Herbkersman)	Heritage Golf Preservation Act	Monitor	Monitored	House Debate Adjourned
H. 3918	Aeronautics Bill	Monitor	Sent letter to Senator Davis, Representatives Herbkersman and Patrick requesting they carefully monitor bill throughout the process	Remains in the House Judiciary Committee
H. 4033 (Introduced by Patrick)	Allows the Widening and dredging of waterways to be included in Municipal Improvement Districts	No official position taken/bill of interest	Monitored	Passed the House/Remains in the Senate Judiciary Committee
S. 20-Sponsored by Davis	Immigration	Monitor	Monitored	Signed by the Governor on June 27, 2011/Ratified R 103
S. 100	S.C. Truth in Spending Act-post expenditures online	Monitor	Monitored	Remains in Senate Finance Committee

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BILL NO.	DESCRIPTION	TOWN POSITION	TOWN ACTION	STATUS AT THE END OF YEAR #1 OUT OF A 2-YEAR SESSION
S. 153	S.C. Truth in Spending Act-post expenditures online	Monitor	Monitored	Remains in Senate Finance Committee
S. 218	S.C. Homeowners Association Act	Monitor	Monitored	Remains in Senate Judiciary Committee
S. 219	Smoking Ban-makes it illegal to smoke in certain private offices and teacher lounges	Monitor	Monitored	Remains in Senate Education Committee
S. 229	Point of Sale/Cap increases in value of sold property at point of sale & again in reassessment	Monitor	Monitored	Remains in Senate Finance Committee
S. 313-Sponsored by Davis	Annexation	Monitor	Monitored	Remains in Senate Judiciary Committee
S. 647-Sponsored by Davis	Point of Sale Elimination	Monitor	Monitored	Remains in Senate Finance Committee
S. 707	Aeronautics Bill	Monitor	Sent letter to Senator Davis, Representatives Herbkersman and Patrick requesting they carefully monitor bill throughout the process	Remains in Senate Transportation Committee

Note: The 2011 General Assembly Session ended the first year of a two-year session. Bills that did not pass will be carried over for the 2012 General Assembly Session.

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